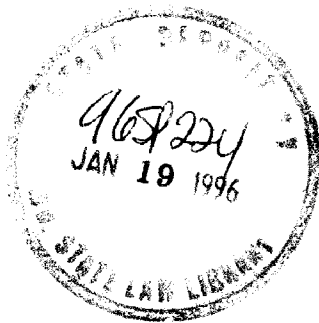


IN THE COURT OF APPEALS OF MARYLAND

IN RE: CERTIFICATION OF NEEDS FOR ADDITIONAL
JUDGESHIIPS FOR FISCAL 1997



TO: The President of the Senate
The Speaker of the House

FROM: Robert C. Murphy, Chief Judge

DATE: December 4, 1995

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ROBERT C. MURPHY
CHIEF JUDGE
COURT OF APPEALS OF MARYLAND
COURTS OF APPEAL BUILDING
ANNAPOLIS, MARYLAND 21401

December 4, 1995

Honorable Thomas V. "Mike" Miller, Jr.
President of the Senate
State House
Annapolis, Maryland 21401-1991

Honorable Casper R. Taylor, Jr.
Speaker of the House
State House
Annapolis, Maryland 21401-1991

Re: Judgeship Needs for Fiscal Year 1997

Gentlemen:

In accordance with established procedure, I am herewith submitting my Annual Certification of Needs for Additional Judgeships for Fiscal Year 1997. As the data indicates, a compelling need is demonstrated for at least one additional Circuit Court judge in Carroll, Prince George's, and Washington Counties, as well as one additional District Court judgeship for Anne Arundel County and Baltimore City.

In my FY 1993 Certification of Needs for Additional Judgeships, I recognized the then difficult budgetary constraints on the creation of new judgeships and did not, therefore, request funding for any of the eight additional judgeships for which I certified an existing need. I said that we would utilize retired judges to fill the "gaps" in our judicial manpower to the extent that funds for this purpose were made available for expenditure. While some funds were appropriated for this purpose, they did not permit full utilization of the retired judge corps to maintain our dockets in a reasonably current condition.

In my FY 1994 Certification of Needs for Additional Judgeships, I demonstrated a statistical need for Circuit Court judgeships in Calvert, Cecil, Charles, Frederick, Harford, Howard, Montgomery, Prince George's, and St. Mary's Counties, and in Baltimore City. Recognizing the State's continuing budgetary problems, I limited my requests to full-year

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judgeship funding for Cecil, Calvert, and Frederick Counties, and Baltimore City, and for one District Court judgeship in Montgomery County. The General Assembly authorized but two judgeships with full-year funding, i.e., Baltimore City and Calvert County. Additionally, Circuit Court judgeships in Cecil and Frederick Counties were authorized but delayed until January 1, 1995.

In my FY 1995 Certification of Needs for Additional Judgeships, I again recognized the State's continuing fiscal difficulties and, therefore, did not request the ten additional judgeships for which I certified a need. I again limited my request to full-year funding for one additional Circuit Court judgeship in Harford, Prince George's, and Howard Counties and one-half year funding for Charles County. Additionally, I requested full-year funding for a new District Court judgeship in Montgomery County to assist in the adjudication and disposition of juvenile matters. At that time, I said that we would utilize retired judges to the extent that funds were available through appropriation. The General Assembly authorized these five additional judgeships but implementation was delayed until February 1, 1995.

In my FY 1996 Certification of Needs for Additional Judgeships, once again I limited my request to full-year funding of an additional Circuit Court judgeship in Montgomery County despite an indicated statistical need for new Circuit Court judgeships in Carroll, Prince George's, St. Mary's, and Washington Counties.

In light of the Judiciary's other needs and the uncertain financial situation confronting the State, I am limiting my requests for FY 1997 to full-year funding for one additional District Court judgeship for Anne Arundel County and Baltimore City.

Although a statistical need is indicated for new Circuit Court judgeships in Carroll, Prince George's, and Washington Counties, the availability of adequate space, as well as other factors preclude moving forward at this time. While the First and Second Judicial Circuits reflect a statistical need for at least one additional judge on a circuit-wide basis, a number of retired judges residing on the Eastern Shore are now available for recall and can temper, in the short term, our existing need for judges in those jurisdictions. Baltimore City still labors under the weight of all the asbestos litigation in the State, as well as an increasing volume of lead paint cases. Several courts dispersed throughout the State are approaching case levels that may require additional judgeships in the very near future. Finally, this certification does not reflect the amount of judicial resources needed if the General Assembly legislatively moves to create family divisions within the circuit courts.

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For your information, the present complement of judges is as follows:

Court of Appeals	7
Court of Special Appeals	13
Circuit Court	132
District Court	98

THE CIRCUIT COURTS

Total filings in the circuit courts have risen 6.5 percent between Fiscal Year 1991 and Fiscal Year 1995. The greatest change over the past five years occurred in juvenile case filings, with a 16.9 percent increase. A 47.1 percent rise in C.I.N.A. filings, from 8,057 in Fiscal Year 1991, to 11,851 in Fiscal Year 1995, along with a 7.9 percent increase in delinquency filings, from 24,184 in Fiscal Year 1991, to 26,091 in Fiscal Year 1995, contributed to that increase.

Civil case filings have increased 7.8 percent over the five-year period, while a 1.1 percent decrease has occurred in criminal filings during the same time period. The rise in civil filings between Fiscal Year 1991 and Fiscal Year 1995 was influenced by a 20.9 percent increase in domestic-related filings. A 8.6 percent decrease in jury trial prayers contributed to the reported decrease in criminal filings.

CIRCUIT-BY-CIRCUIT ANALYSIS

First Circuit

Dorchester, Somerset, Wicomico, and Worcester Counties form the First Judicial Circuit of Maryland. The population in that area of the State is expected to reach 175,700 by July 1, 1996, an increase of approximately 21 percent or 30,460 residents since 1980.

For the second consecutive year, the First Circuit reported a decrease in total filings. Contributing to that decrease once again was a reduction in civil filings. However, the decline in the number of civil cases filed was mitigated by an increased number of juvenile filings, resulting in the minimal overall decrease. During Fiscal Year 1995, the First Circuit reported 11,079 total filings, a slight decrease from the 11,096 filings reported during Fiscal Year 1994. Civil filings decreased by 2.9 percent during that same time period, from 6,463 in Fiscal Year 1994, to 6,275 in Fiscal Year 1995. Juvenile filings increased by 21.1 percent, from 978 in Fiscal Year 1994, to the current level of 1,184.

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Criminal filings remained relatively consistent during the two-year period. Although total filings have decreased the last two years, a general increase occurred over the last five years. There has been a 20.6 percent rise in total filings since Fiscal Year 1991. There were 9,190 filings reported during Fiscal Year 1991, compared to the Fiscal Year 1995 level of 11,079 filings. During the five-year period, increases occurred in each of the three functional areas -- civil, criminal, and juvenile. The greatest increase in case filings was reported in civil, from 5,142 in Fiscal Year 1991, to 6,275 filings in Fiscal Year 1995, a 22 percent increase. Juvenile filings increased by 55.2 percent during the five-year period. Seven hundred and sixty-three juvenile filings were reported for Fiscal Year 1991 as compared to the 1,184 filings for Fiscal Year 1995. There was a 10.2 percent increase reported in criminal filings, from 3,285 during Fiscal Year 1991, to the current level of 3,620 filings. Categorically, a 23.4 percent increase in domestic-related filings contributed to the rise in civil filings, while the increased number of juvenile and criminal filings was influenced by a 28.7 percent increase in delinquency filings and a 11.1 percent increase in indictment and information filings, respectively.

Somerset County ranks fourth in filings per judge (i.e., 2,051) and second in dispositions per judge (i.e., 2,075).

Second Circuit

The northern portion of the Eastern Shore of Maryland -- Caroline, Cecil, Kent, Queen Anne's, and Talbot Counties -- forms the Second Judicial Circuit. Since 1980, population in that region of the State has risen by 31.3 percent. It is projected that by July 1, 1996, the total population will approximate 198,800 residents.

During the last five years, total filings in the Second Circuit have fluctuated, with an overall increase of 10.6 percent. There were 9,721 total filings reported during Fiscal Year 1991, compared to the Fiscal Year 1995 level of 10,750 filings. General increases occurred in each of the three case types during the five-year period, with the greatest increase realized in juvenile case filings. There has been a 37.6 percent rise in juvenile filings since Fiscal Year 1991, from 1,056, to the current level of 1,453 filings. That increase was fueled by a 36.8 percent increase in delinquency cases, in which 661 filings were reported in Fiscal Year 1991, as compared to 904 filings in Fiscal Year 1995. Also, a 55 percent increase in C.I.N.A. filings occurred. For Fiscal Year 1991, 344 C.I.N.A. filings were reported and 533 in Fiscal Year 1995. A 34.5 percent increase in requests for jury trials emanating from the District Court contributed to the 8.5 percent increase in total criminal filings. There were 2,535 total criminal case filings reported by the Second Circuit during Fiscal Year 1995, an increase over the 2,337 filings reported during Fiscal Year 1991. Civil filings also increased by 6.9 percent during the five-year period, from

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6,328 in Fiscal Year 1991, to 6,762 in Fiscal Year 1995. Contributing to the reported increase in civil filings was a rise in domestic-related filings. In Fiscal Year 1991, 4,356 domestic-related filings were reported and in Fiscal Year 1995 to 5,028 were determined, a 15.4 percent increase.

Cecil County reported the second longest disposition time for criminal cases (i.e., 167 days), while Kent County reported the sixth longest time (i.e., 142 days) and Caroline County reported the seventh longest time (i.e., 140 days).

Third Circuit

Baltimore and Harford Counties form the Third Judicial Circuit. According to population projections, by July 1, 1996, the Third Judicial Circuit will house 927,200 residents. That figure represents an influx of nearly 125,700 people since 1980, an increase of 15.7 percent. Baltimore County ranks third in population per judge, while Harford County ranks eighth.

During the last five years, the number of filings reported by the Third Circuit has fluctuated from a low of 31,995 in Fiscal Year 1991, to a high of 34,110 in Fiscal Year 1995. The current increase can be attributed to a 22.2 percent rise in juvenile case filings, from 4,624 in Fiscal Year 1994, to the Fiscal Year 1995 level of 5,651 filings. Contributing to the general increase in total filings during the five-year period, were increases in civil and juvenile filings. There was a nine percent rise in the number of civil cases filed since Fiscal Year 1991, from 17,370, to the current level of 18,940 filings. Domestic-related filings increased from 8,811 in Fiscal Year 1991, to 10,571 in Fiscal Year 1995, an increase of 20 percent. Other law filings (e.g., Orphan Court issues, destitution, rejections, and ejectment hearings) increased by 132.1 percent from 517 other law filings in Fiscal Year 1991, to 1,200 in Fiscal Year 1995. Likewise, juvenile filings increased by 35.9 percent during the five-year period. There were 4,160 juvenile case filings reported during Fiscal Year 1991, compared to the current level of 5,651 filings. That increase can be attributed to a 57.4 percent increase in delinquency filings, from 3,006 in Fiscal Year 1991, to 4,730 in Fiscal Year 1995. There were 10,465 criminal cases reported during Fiscal Year 1991, compared to the current level of 9,519 filings, a decrease of nine percent. During the five-year period, jury trial prayers decreased by 36.2 percent. In Fiscal Year 1991, 5,643 jury trial prayers were reported as compared to the 3,598 in Fiscal Year 1995.

Harford County reported the second longest disposition time for juvenile cases (i.e., 82 days) and the fifth longest time for criminal cases (i.e., 145 days).

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Harford County ranks fourth in disposition of criminal cases (145 days), while Baltimore County ranks twenty-fourth (80 days). Additionally, Baltimore County ranks eighth in filings per judge (1,767) and fourth in pending cases per judge (2,085). Harford County ranks seventh in pending cases per judge (1,682).

Fourth Circuit

The Fourth Judicial Circuit -- Allegany, Garrett, and Washington Counties -- is situated in the western corner of the State. The population in that area of the State is expected to reach 229,200 by July 1, 1996, representing an increase of 8,068 additional residents or 3.7 percent since 1980. Population in Garrett and Washington Counties is projected to increase slightly, while Allegany County is expected to experience an exodus of its residents.

During the last five years, total filings in the Fourth Circuit fluctuated from year-to-year. That trend occurred in each of the three functional areas as well. There were 8,645 total filings reported during Fiscal Year 1991, compared to 10,206 filings during Fiscal Year 1995, an increase of 18.1 percent. Civil and criminal filings have increased during the five-year period, while juvenile filings remained relatively consistent. Civil filings increased 12.3 percent since Fiscal Year 1991, from 5,503, to the current level of 6,181 filings. Contributing to the reported increase was a 18.8 percent rise in domestic-related filings. There were 3,540 domestic-related cases filed during Fiscal Year 1991. That figure compares with 4,204 filings during Fiscal Year 1995. Likewise, criminal filings rose by 45.5 percent, from 1,953 in Fiscal Year 1991, to the Fiscal Year 1995 level of 2,842 criminal case filings. The growth in requests for jury trials was the major contributing factor to that increase. The Fourth Circuit reported 941 jury trial prayers during Fiscal Year 1991 and 1,761 during Fiscal Year 1995, an increase of 87.2 percent. Over the five-year period, juvenile filings remained consistent with 1,183 cases filings during Fiscal Year 1995. That figure compares with 1,189 filings during Fiscal Year 1991.

Allegany County reported the eighth longest disposition time for both civil cases (i.e., 200 days) and juvenile cases (i.e., 76 days) during Fiscal Year 1995.

Fifth Circuit

Anne Arundel, Carroll, and Howard Counties comprise the Fifth Judicial Circuit of Maryland. That region of the State has experienced a steady influx of residents since 1980. It is projected that total population in the Fifth Circuit will approximate 830,100 by July 1, 1996, an increase of nearly 42 percent since 1980. Anne Arundel County ranks

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second in population per judge, while Carroll and Howard Counties rank fourth and fifth, respectively.

Decreases in contract and domestic-related cases, as well as jury trial prayers have contributed to the general decrease in total filings in the Fifth Circuit over the last five years. Since Fiscal Year 1991, civil filings decreased 6 percent, from 23,258, to the current level of 21,855 filings. As previously mentioned, a decrease occurred in contract filings during the same time period. There were 1,129 contract filings reported during Fiscal Year 1995. That figure represents a decrease of 45.6 percent from the 2,076 filings reported during Fiscal Year 1991. A 6.5 percent decrease in domestic-related filings occurred with 13,987 filings being reported in Fiscal Year 1991 as compared 13,079 in Fiscal Year 1995. Criminal filings have fallen by 7.7 percent since Fiscal Year 1991. There were 11,194 criminal filings reported during Fiscal Year 1991, compared to the current level of 10,330 filings. Contributing to the decrease in criminal filings was a 31.7 percent decrease in jury trial prayers during the last five years. There were 5,286 requests for jury trials filed during Fiscal Year 1991, compared to the current level of 3,610 filings. During the same time period, indictment and information filings increased by 16.7 percent. There were 4,762 indictment and information filings reported in Fiscal Year 1991 and 5,555 in Fiscal Year 1995. The only functional area in which an increase occurred during the five-year period was juvenile case filings. There were 6,091 juvenile cases filed during Fiscal Year 1995, an increase of 34.1 percent over the 4,543 filings reported during Fiscal Year 1991. The increase in juvenile filings can be attributed to a 59.5 percent increase in delinquency filings, from 3,203 filings in Fiscal Year 1991, to 5,110 filings in Fiscal Year 1995.

With respect to workload factors, Anne Arundel County ranks first in both filings per judge (i.e., 2,673) and dispositions per judge (i.e., 2,418). Carroll County ranks sixth in filings per judge (i.e., 2,048) and fifth in dispositions per judge (i.e., 1,951). Howard County reported the second longest disposition time for civil cases (i.e., 254 days), while Anne Arundel County reported the fourth longest disposition time (i.e., 228 days).

Sixth Circuit

The Sixth Judicial Circuit is comprised of Frederick and Montgomery Counties. That circuit continues to be the fastest growing area of the State. It is projected that total population in that region will reach 1,026,000 by July 1, 1996, an increase of 47.9 percent since 1980. Montgomery County ranks first in population per judge, while Frederick County ranks seventh.

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For the second consecutive year, a decrease in total filings was reported by the Sixth Circuit. There were 31,513 total filings reported, compared to the previous year's level of 40,246 total filings, a decrease of 21.7 percent. That decrease follows a 7.4 percent reduction in filings during Fiscal Year 1994. Although filings have declined during the last two years, a general increase has been noted in total filings over the last five years. Since Fiscal Year 1991, total filings have risen by 3.1 percent, from 30,577 in Fiscal Year 1991, to the current level of 31,513 filings. Contributing to this growth in filings was an increase of 3.2 percent in civil filings from 23,634 in Fiscal Year 1991, to 24,381 in Fiscal Year 1995. Categorical increases have occurred in motor tort and domestic-related filings since Fiscal Year 1991. There were 1,713 motor tort cases filed during Fiscal Year 1995, an increase of 27 percent over the 1,349 cases filed during Fiscal Year 1991, while domestic-related filings increased by 50.2 percent from 7,049 in Fiscal Year 1991 to 10,588 in Fiscal Year 1995. Criminal filings decreased by less than 2 percent during the five-year period, from 6,336 in Fiscal Year 1991, to the current level of 6,221 filings. Jury trial prayers decreased slightly. In Fiscal Year 1991 2,460 jury trial prayers were reported compared the 2,402 reported in Fiscal Year 1995. Frederick County reported a 50.1 percent increase in juvenile filings since Fiscal Year 1991. There were 911 juvenile cases filed during Fiscal Year 1995, compared to the Fiscal Year 1991 level of 607 filings. During that same time period, delinquency filings increased by 54 percent from 487, to the current level of 750 filings.

Montgomery County ranks eleventh in filings per judge (i.e., 1,635) and eighth in dispositions per judge (i.e., 1,638). Frederick County reported the longest disposition time for criminal cases (i.e., 172 days) and the third longest disposition time for juvenile cases (i.e., 82 days).

Seventh Circuit

The southern portion of the State -- Calvert, Charles, Prince George's, and St. Mary's Counties -- form the Seventh Judicial Circuit. An influx of more than 221,000 residents since 1980 is expected by July 1, 1996, making the Seventh Circuit the most populated area of the State.

Since Fiscal Year 1991, total filings in the Seventh Circuit have increased by 16.9 percent, from 50,728, to the current level of 59,298 filings. Increases occurred in each of the three functional areas -- civil, criminal, and juvenile -- during the five-year period. The greatest increase was reported in civil filings. There were 33,086 civil cases filed during Fiscal Year 1991, compared to the Fiscal Year 1995 level of 38,640 filings, an increase of 16.8 percent. The increase in civil filings can be attributed to a 26.7 percent increase in domestic-related filings, from 21,362 in Fiscal Year 1991, to the current level

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of 27,059 filings. Juvenile case filings increased by 38.8 percent during the five-year period with 6,761 filings in Fiscal Year 1991 and 9,381 in Fiscal Year 1995. Juvenile delinquency filings increased from 5,154 in Fiscal Year 1991 to 6,916 in Fiscal Year 1995, a 34.2 percent increase. Also, C.I.N.A. filings increased by 56 percent with 1,563 being reported in Fiscal Year 1991 and 2,438 in Fiscal Year 1995. There were 11,277 criminal cases filed during Fiscal Year 1995, compared to 10,881 filings in Fiscal Year 1991, a 3.6 percent increase. The 7.9 percent increase in indictment and information filings, from 5,768 in Fiscal Year 1991, to 6,226 in Fiscal Year 1995, was mitigated by a 6.5 percent decrease in jury trial prayers, from 4,613 in Fiscal Year 1991, to 4,313 in Fiscal Year 1995.

Prince George's County ranks third in both filings per judge (i.e., 2,233) and dispositions per judge (i.e., 2,029). St. Mary's County ranks fifth in filings per judge (i.e., 2,049) and fourth in dispositions per judge (i.e., 1,953).

Eighth Circuit

Baltimore City comprises the Eighth Judicial Circuit of Maryland. Since 1980, population in that area of the State has decreased steadily, to the projected July 1, 1996, level of 715,600 inhabitants. That figure represents a decrease of approximately nine percent.

During the last five fiscal years, total filings in the Eighth Circuit have remained relatively consistent. There were 59,393 total filings reported during Fiscal Year 1991, compared to the Fiscal Year 1995 level of 59,476 filings. Total filings in two of the three functional areas decreased during the same time period. The greatest decrease has occurred in juvenile case filings, from 13,637 in Fiscal Year 1991, to the current level of 12,398 filings, a decrease of 9.1 percent. Since Fiscal Year 1991, delinquency filings have decreased by 40 percent from 10,369 in Fiscal Year 1991, to 6,221 in Fiscal Year 1995, while C.I.N.A. case filings increased by 94 percent from 3,137 in Fiscal Year 1991, to 6,087 in Fiscal Year 1995. It appears that this reduction in case filings is a residual effect of the current Quest System's delineation of juvenile delinquency petitions. Specifically the previous system was victim-based and charge-based with regard to juvenile delinquency petitions, whereas the current system is based on the individual. Criminal filings also decreased during the five-year period by 2.9 percent. There were 23,000 criminal cases filed during Fiscal Year 1991, compared to 22,328 during Fiscal Year 1995. A decrease in jury trial prayers contributed to the general decrease in criminal filings. Since Fiscal Year 1993, the number of requests for jury trials has decreased by 13.1 percent, from 4,317, to the Fiscal Year 1995 level of 3,752 filings. The only general increase during the last five years was noted in civil case filings. There

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were 24,750 civil filings reported during Fiscal Year 1995, an increase of 8.8 percent over the 22,756 cases filed during Fiscal Year 1991. A major contributing factor to that increase was a 32.5 percent increase in domestic-related filings, from 7,209 in Fiscal Year 1991, to the current level of 9,549 filings.

Baltimore City ranks second in filings per judge (i.e., 2,284). Additionally, it reported the longest disposition time for civil cases (i.e., 278 days).

THE DISTRICT COURT

Introduction

The District Court of Maryland was created as a result of the ratification in 1970 of a constitutional amendment proposed by the legislature in 1969. Operation of the District Court began on July 5, 1971, replacing a miscellaneous system of trial magistrates, people's and municipal courts with a fully State-funded court of record possessing statewide jurisdiction.

District Court judges are appointed by the Governor and confirmed by the Senate. They are not required to stand for election. The first Chief Judge was designated by the Governor, but all subsequent chief judges are subject to appointment by the Chief Judge of the Court of Appeals. The District Court is divided into twelve geographical districts, each containing one or more political subdivisions, with at least one judge in each subdivision.

There were 98 District Court judgeships, including the Chief Judge, in Fiscal Year 1995. The Chief Judge is the administrative head of the Court and appoints administrative judges for each of the twelve districts, subject to the approval of the Chief Judge of the Court of Appeals. The Chief Judge of the District Court also appoints a chief clerk of the Court. Additionally, administrative clerks for each district, as well as commissioners who perform such duties as issuing arrest warrants and setting bail or collateral, are also appointed.

The District Court's jurisdiction includes criminal, including motor vehicle, and civil areas. It also has jurisdiction over juvenile causes only in Montgomery County. The exclusive jurisdiction of the District Court generally includes all landlord and tenant cases; replevin actions; motor vehicle violations; criminal cases if the penalty is less than three years imprisonment or does not exceed a fine of \$2,500, or both; and civil cases involving amounts not exceeding \$2,500. It has concurrent jurisdiction with the circuit courts in civil

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cases over \$2,500 to, but not exceeding, \$20,000; and concurrent jurisdiction in misdemeanors and certain enumerated felonies. Since there are no juries provided in the District Court, a person entitled to and electing a jury trial must proceed to the circuit court.

Motor Vehicle

The District Court of Maryland filed 1,088,982 motor vehicle cases during Fiscal Year 1995 which represents an increase of 35.4 percent over the 804,247 cases filed during Fiscal Year 1994. Each of the five largest jurisdictions -- Baltimore City, Anne Arundel, Baltimore, Montgomery, and Prince George's Counties -- reported increases in filings, contributing to the overall increase. The greatest increase (45.9 percent) was reported by Montgomery County, from 84,234 filings during Fiscal Year 1994, to the current level of 122,888 filings. Baltimore County followed with a 36.6 percent increase consisting of 152,608 motor vehicle cases compared to the previous year's level of 111,753 filings. Prince George's and Anne Arundel Counties reported increases of 34.7 percent and 27 percent, respectively. There were 161,861 motor vehicle cases filed by Prince George's County during Fiscal Year 1995, compared to 120,145 filings during Fiscal Year 1994. Anne Arundel County reported 101,767 motor vehicle filings, an increase over the previous year's total of 80,143 filings.

In keeping with the increased number of filings, the District Court processed 18.8 percent more motor vehicle cases during Fiscal Year 1995. There were 927,525 motor vehicle cases processed during Fiscal Year 1995, compared to 780,559 cases during Fiscal Year 1994. The five largest jurisdictions processed a combined total of 535,773 cases, comprising nearly 58 percent of the total caseload. Each of those five jurisdictions reported increased processing activity during the year. Montgomery County reported the greatest increase in motor vehicle dispositions, 31.6 percent, from 80,818 cases during Fiscal Year 1994, to the current level of 106,394 dispositions. Prince George's County followed with a 17.1 percent increase in processed cases. There were 125,999 motor vehicle cases processed during Fiscal Year 1995, compared to the previous year's total of 107,631 cases. Likewise, Baltimore City reported a 16.5 percent increase, while Anne Arundel and Baltimore Counties reported increases of 11.4 percent and 9.6 percent, respectively. There were 85,100 motor vehicle cases processed by Baltimore City during Fiscal Year 1995, compared to the Fiscal Year 1994 level of 73,042 cases. Anne Arundel County processed 88,415 cases during Fiscal Year 1995 and 79,381 cases during Fiscal Year 1994. Baltimore County's rate of processing motor vehicle cases also increased from 118,461 during Fiscal Year 1994, to 129,865 cases during Fiscal Year 1995. Categorically, increases were reported in two of the three case disposition categories. There were 564,947 cases paid during Fiscal Year 1995, an increase of 26.6 percent

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over the 446,342 cases paid during Fiscal Year 1994. Likewise, the number of cases tried increased by 11.7 percent, from 242,689 during Fiscal Year 1994, to the current level of 271,180 cases.

Criminal

The District Court reported a 5.1 percent rise in criminal filings during Fiscal Year 1995. There were 182,967 criminal cases filed, compared to the previous year's total of 174,046 criminal case filings. Contributing to the increased number of filings were increases reported by four of the five largest jurisdictions. An 11.1 percent increase was reported by Baltimore County, from 18,654 filings during Fiscal Year 1994, to the current level 20,720 criminal filings. Baltimore City and Anne Arundel County followed with increases of 5.2 percent and 5.1 percent, respectively. There were 64,820 criminal cases filed in Baltimore City, compared to the previous year's level of 61,616 filings. Anne Arundel County's 12,502 criminal filings compares with 11,895 filings during Fiscal Year 1994. There were 23,995 criminal cases filed by Prince George's County, a 1.8 percent increase over the Fiscal Year 1994 level of 23,560 filings. The number of criminal cases filed by Montgomery County remained relatively consistent with the previous year's total recording 13,875 filings during Fiscal Year 1995. The number of criminal cases processed increased by 2.8 percent during Fiscal Year 1995. There were 181,530 cases processed, compared to the Fiscal Year 1994 level of 176,583 cases. Prince George's County and Baltimore City reported increases of 12.5 percent and 3.4 percent, respectively. There were 25,351 criminal cases processed by Prince George's County, compared to 22,543 cases during Fiscal Year 1994. Baltimore City reported 64,537 criminal case dispositions during Fiscal Year 1995 which compares to 62,419 cases during the prior fiscal year.

Civil

Civil case filings decreased slightly during Fiscal Year 1995. There were 810,973 total civil cases filed by the District Court, a decrease of 1.1 percent from the 819,840 filings reported during Fiscal Year 1994. Two of the five largest jurisdictions reported increases in the number of civil case filings. Anne Arundel County reported 46,037 filings, compared to 44,749 filings during Fiscal Year 1994 (a 2.9 percent increase). An increase also was reported by Montgomery County with 77,992 civil filings which represents a 1.1 percent increase over the previous year's total of 77,152 filings.

Landlord and tenant filings constituted more than 69 percent of the civil caseload during Fiscal Year 1995. There were 562,199 landlord and tenant filings recorded, a 1.5 percent decrease from the previous year's total of 570,828 filings. An 8.2 percent

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decrease reported by Baltimore County, from 109,788 filings during Fiscal Year 1994, to the current level of 100,785 filings, contributed to the general decrease in filings. Baltimore City also reported a slight decrease of 1.6 percent with 187,448 landlord and tenant filings reported compared to 190,537 filings the prior year. Slight increases were reported by the remaining three largest jurisdictions. Montgomery County reported the greatest increase (1.8 percent), from 46,262 filings during Fiscal Year 1994, to the Fiscal Year 1995 level of 47,084 filings. Anne Arundel County followed with a 1.1 percent increase, from 28,253 filings, to the current level of 28,577 filings. Prince George's County reported 144,967 landlord and tenant filings during Fiscal Year 1995, compared to the previous year's total of 143,986 filings, an increase of 0.7 percent.

The number of contract and tort cases filed during Fiscal Year 1995 remained consistent with the number filed during the prior year. There were 215,644 contract and tort filings recorded in the District Court, compared to the Fiscal Year 1994 level of 215,495 filings. A 6.2 percent decrease reported by Prince George's County (from 38,152 in Fiscal Year 1994 to 35,795 in Fiscal Year 1995), contributed to the slight decrease in overall filings. Slight decreases were reported by Baltimore City and Montgomery County as well. Baltimore City reported 57,122 contract and tort filings, a 0.7 percent decrease from the 57,510 filings reported during Fiscal Year 1994. Likewise, a 0.3 percent decrease was reported by Montgomery County, from 26,422 filings last year, to the current level of 26,341 filings. Anne Arundel and Baltimore Counties reported increases of 6.9 percent and 0.5 percent, respectively. There were 15,130 filings recorded by Anne Arundel County during Fiscal Year 1995. That figure compares to 14,156 filings during the previous fiscal year. Baltimore County's 31,320 contract and tort filings represents a slight increase over the prior year's total of 31,162 filings.

During Fiscal Year 1995, the District Court reported 17,718 special proceedings which include emergency evaluations and domestic abuse hearings. This represents a 13.1 percent overall increase when compared with Fiscal Year 1994 statistics. More specifically, the District Court experienced an 11.2 percent increase in domestic violence hearings over the past fiscal year.

Trends

For the second consecutive year, the District Court experienced an increased number of total filings. The Court recorded 2,082,922 filings during Fiscal Year 1995, an increase of 15.8 percent over the previous year's total of 1,798,133 total filings. The current increase can be attributed to increases in motor vehicle (35.4 percent) and criminal filings (5.1 percent).

Honorable Thomas V. "Mike" Miller, Jr.
Honorable Casper R. Taylor, Jr.
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Over the last five years, the District Court has experienced an influx of criminal cases. The total criminal caseload has increased nearly 8 percent, from 169,520 during Fiscal Year 1991, to the present level of 182,967 filings. During the same time period, Baltimore City and Baltimore County both reported increased criminal filings. There was an 18.8 percent increase reported by Baltimore City from 54,575 in Fiscal Year 1991, to 64,820 filings in Fiscal Year 1995. Likewise, Baltimore County reported an 11.1 percent increase (18,648 in Fiscal Year 1991, compared to 20,720 filings in Fiscal Year 1995).

The District Court processed 181,530 criminal cases during Fiscal Year 1995 which represents an increase of 6.1 percent over the last five fiscal years. Approximately 73.6 percent (133,606) of the cases were processed by the five largest jurisdictions, with Baltimore City processing 35.6 percent (64,537) of the cases. The number of cases processed by Baltimore City increased steadily each of the last five fiscal years, from 53,768 in Fiscal Year 1991, to the current level of 64,537 cases.

For only the second time in five years, the District Court reported a slight reduction in total civil filings. There were 810,973 civil filings reported during Fiscal Year 1995. That figure represents a decrease of approximately 1.1 percent from the prior fiscal year but follows a 4.4 percent increase reported during Fiscal Year 1994. Each of the five largest jurisdictions reported general increases during the five-year period. Baltimore City and Montgomery and Baltimore Counties reported fluctuating civil case activity during the last five years, while Prince George's County reported a steady increase until the current fiscal year when a slight decrease occurred. Anne Arundel County reported a steady increase each of the last five years. The five largest jurisdictions accounted for more than 86 percent of the civil caseload throughout the five-year period. Categorically, contract and tort and landlord and tenant filings increased over the last five years, while "other" civil filings remained relatively consistent. With the exception of Fiscal Year 1993 when a 3.5 percent decline was reported, contract and tort filings increased steadily each year. Fiscal Year 1995 marked the first decrease in landlord and tenant filings (1.5 percent) over the last five years.

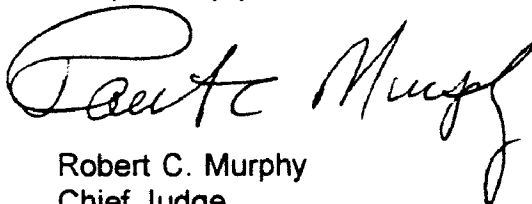
CONCLUSION

It is clear from an analysis of this certification that the judges of Maryland are disposing of a massive caseload under great stress and strain. It is essential that additional judicial resources be added to the existing complement of judges if the Judicial Branch of Government is to maintain stability in the administration of justice in Maryland. I have attached to this letter a draft bill providing for the additional judgeships I have

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recommended. Should you wish further information, I shall be glad to see that it is provided, either now or at the time of the hearings concerning this request.

Respectfully yours,



Robert C. Murphy
Chief Judge

cc: Honorable Parris N. Glendening, Governor
Honorable Barbara A. Hoffman, Chairman, Senate Budget and Taxation Committee
Honorable Walter M. Baker, Chairman, Senate Judicial Proceedings Committee
Honorable Howard P. Rawlings, Chairman, House Appropriations Committee
Honorable Joseph F. Vallario, Jr., Chairman, House Judiciary Committee
Honorable Ida G. Ruben, Senate Budget and Taxation Committee
Honorable Thomas E. Dewberry, House Appropriations Committee
Honorable Louis L. Goldstein, State Comptroller
Honorable Alan M. Wilner, Chief Judge, Court of Special Appeals
Honorable Alfred T. Truitt, Jr., Chairman, Conference of Circuit Judges
Honorable Robert F. Sweeney, Chief Judge, District Court
Honorable James T. Smith, Jr., Chair, Executive Comm. of the Md. Judicial Conference
Honorable Marita B. Brown, Secretary, Department of Budget and Fiscal Planning
Circuit Administrative Judges
Bonnie A. Kirkland, Chief Legislative Officer
Stephen E. Harris, Esq., State Public Defender
George B. Riggin, Jr., Esq., State Court Administrator
F. Carvel Payne, Esq., Director, Department of Legislative Reference
Clarke R. Williams, Budget Analyst, Department of Budget and Fiscal Planning
Benjamin Birge, Administrative Analyst, Department of Fiscal Services

EXHIBITS A-1 THROUGH A-5

COMMENTS OF CHIEF JUDGE SWEENEY
AND ADMINISTRATIVE JUDGES OF THE
DISTRICT COURT OF MARYLAND



DISTRICT COURT OF MARYLAND

ROBERT F. SWEENEY
Chief Judge

Courts of Appeal Building
Annapolis, Maryland 21401
(410) 974-2412

November 28, 1995

The Honorable Robert C. Murphy
Chief Judge, Court of Appeals
County Courts Building, Fifth Floor
401 Bosley Avenue
Towson, Maryland 21204

Dear Judge Murphy:

In accordance with your request, I am herewith submitting my assessment of the need for newly created District Court judgeships for the fiscal year beginning July 1, 1996.

Over the course of the last several months I have had discussions on this topic with each of our twelve administrative judges and have reviewed with them their caseload, the state of their dockets, and the average daily workload of their judges. I have been advised by administrative judges in nine districts that they do not see a need for an additional judgeship in their district next year. Those districts are: District Two (Lower Shore); District Three (Upper Shore); District Four (Southern Maryland); District Five (Prince George's County); District Six (Montgomery County); District Nine (Harford County); District Ten (Carroll and Howard Counties); District Eleven (Frederick and Washington Counties); and District Twelve (Allegany and Garrett Counties). After a careful review of all pertinent statistical factors in those districts, I concur in their position.

At various times, in testifying on the budget before the General Assembly and in other public statements, I have emphasized that it would not have been possible for the judges of the District Court to handle the enormous flood of domestic violence cases that have arisen in recent years had there not been a sudden, sharp - and inexplicable - decrease in the number of motor vehicle citations issued in the state. In fiscal 1991 the number of motor vehicle citations filed in the District Court reached 1,160,473. In that same year there were only 5,665 domestic violence petitions filed in the District Court. In fiscal

The Honorable Robert C. Murphy
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1994, however, domestic violence cases increased to 12,522, while, happily, motor vehicle filings decreased to 804,247.

Now, in the short space of the last twelve months, we have experienced the worst of all possible worlds, for domestic violence cases continued to increase in fiscal 1995 to 13,925, while motor vehicle filings rose as inexplicably as they had declined, to a total of 1,088,982. These exploding caseloads have done more than lengthen the court day. They have brought about a recurring practice where a battered spouse is frequently required to wait several hours while a judge disposes of a heavy docket of scheduled cases, or, in the alternative, citizens sitting in crowded courtrooms are required to wait while a judge recesses to deal with a domestic violence petitioner, many of whom are accompanied by minor children. The demands on our judges are made even more stringent because of the fact that the 1992 legislation substantially rewrote the domestic violence law, making each of the domestic violence cases more complicated and more time consuming than before, and we are faced with frequent subsequent hearings, on violations of orders, to a level never before experienced.

As a result of the time pressures that have arisen from the continuing increase in domestic violence cases, and the sudden resurgence of motor vehicle cases, the administrative judges in Anne Arundel County, Baltimore City, and Baltimore County have each submitted a request for an additional judge. Each of them has documented their need in a written statement, which I am attaching hereto.

For purposes of simplification, let me summarize our needs in each of those jurisdictions:

Anne Arundel County - District Seven

The last new judgeship for the District Court in Anne Arundel County was created six years ago, on July 1, 1989. In that time span there has been an increase in every type of case, as shown in the chart below:

	<u>Caseload Filings</u>		% Increase
	FY '89	FY '95	
Motor Vehicle Cases	89,866	101,767	13%
Criminal Cases	10,694	12,502	17%
Civil Cases	37,138	46,037	24%
Domestic Violence Petitions	300	1,159	286%

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You will note that the bench time statistics for the fiscal year just concluded reveal that judges in Anne Arundel county rank first in the amount of time actually spent on the bench each day. It is also noteworthy that in a court where backlogs have been virtually nonexistent we are now experiencing great difficulty in scheduling criminal cases for trial, because the Court's total complement of judges simply cannot accommodate a longer workday than they are currently experiencing. In the Glen Burnie court a criminal case is not receiving its first scheduled trial date for five or six months, a situation which we are attempting to redress by delaying the trial of civil cases. In the ordinary course of events we would have addressed this backlog in its incipient stage by the utilization of retired or visiting judges, but the many vacancies with which we have been faced in recent months have made it impossible for us to render assistance of that kind.

Baltimore City - District One

Although this district has remained current in disposing of its enormous caseload, it has experienced even greater growth in recent years than its surrounding counties. Since the last judgeship was created in 1984, the motor vehicle cases, criminal cases, and civil filings have all increased. Baltimore City has always had the highest number of domestic violence cases in the state, and those cases, too, have experienced a sharp increase:

	<u>Caseload Filings</u>		% Increase
	FY '84	FY '95	
Motor Vehicle Cases	61,421	101,290	65%
Criminal Cases	48,237	64,820	34%
Civil Cases	207,616	252,422	22%
Domestic Violence Petitions	1,560	3,393	118%

As you will see from the attached chart showing bench times for fiscal 1995, Baltimore City ranks second in the state in the amount of time its judges spend on the bench each day.

Baltimore County- District Eight

Like its other two neighbors, our caseload in Baltimore County has also experienced substantial growth, with the greatest increase being in the criminal, civil, and domestic violence areas. This district has not had an

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increase in its judicial complement since the Court was created twenty-five years ago. A ten-year snapshot of the caseload reveals the following:

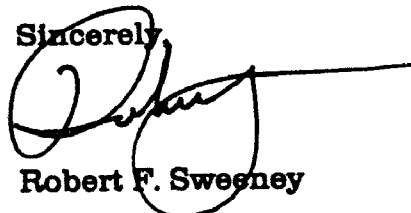
	<u>Caseload Filings</u>		
	FY '86	FY '95	% Increase
Motor Vehicle Cases	148,484	152,608	3%
Criminal Cases	17,291	20,720	20%
Civil Cases	86,386	137,495	59%
Domestic Violence Petitions	570	2,170	280%

In the year just concluded, the judges of the District Court in Baltimore County rank third in the state in time spent on the bench each day.

Although I believe that we could satisfy the General Assembly of a need for an additional judge in each of these three districts, I am asking that you submit to the Legislature a request for the creation of only two additional judgeships this year. I am following this course because of the dire budgetary forecast, and because I believe that, appropriately used, the creation of two additional judgeships can substantially relieve the pressures now being placed on the judges in those three districts. After thorough discussions with Judges Garmer, Rasin and Rinehardt, I have concluded that the best usage of these judges would be to divide them between the three jurisdictions as follows: four judge days per week in Anne Arundel County, three judge days per week in Baltimore City, and three judge days per week in Baltimore County. There is, at the present time, a vacant chambers in each of the three jurisdictions for use by these judges, and they will use courtrooms that are now dark on days when other resident judges are unavailable.

I hope that the information that has been submitted in this request is sufficient for your purposes. Please be assured of my willingness to provide any additional information that you might require.

Sincerely,



Robert F. Sweeney

RFS:bj

Enclosures

The Honorable Robert C. Murphy

Page Five

November 28, 1995

P. S. In submitting to me her request for an additional District Court judge, Administrative Judge Martha F. Rasin enclosed an interesting description of a day in her life as a District Court trial judge. I believe it would be not only of interest to you but to members of the General Assembly who are not personally familiar with all of the activities of a judge in the District Court.



Address Reply To:

District Court of Maryland
for Anne Arundel County
580 Taylor Avenue
Annapolis, Maryland 21401

MEMORANDUM

DATE: November 22, 1995

TO: Chief Judge Robert F. Sweeney

FROM: Martha F. Rasin, Administrative Judge

SUBJ: IN SUPPORT OF AN EIGHTH JUDGE IN ANNE ARUNDEL COUNTY

The need for a new judge in Anne Arundel County is caused by two things: increase in the number of cases filed and increase in the complexity of cases tried. Between FY94 and FY95 there was an increase of 21,624 traffic cases (serious and non-serious cases), 426 in civil cases (domestic violence cases and civil suits not including rents),¹ and 1,135 in the number of criminal cases (not including violations of probation or bail review matters). While the number of civil cases has increased in minor proportion to the others, there are significantly more civil cases requiring more than one hour to try.² It is common for the court to "special set" cases for an entire three-hour docket. That docket would ordinarily accommodate 8-10 cases. When only one can be heard, the others must be moved to a later date. If the court is not notified ahead of trial that a case will take over an hour to try, then either the case is only partially tried in court that day and must be rescheduled to finish, or other cases must be postponed in court so that it can be tried. This means that the judge must tell people to leave because we do not have time for their case. While this was unusual before, it is commonplace now. We have evaluated whether these cases really need the amount of time they take, and we conclude that they do.

The increase in number and length of cases caused Anne Arundel County judges to spend more time on the bench than judges in any other county in FY95.³ Our judges spent an average of 4.35

¹ The number of domestic violence filings has doubled in the past two years.

² There is also an increase in the number of criminal cases that require over an hour to try, but it is far less significant than the number of civil cases.

³ See Attachment #1.

hours in court, on the bench every day.⁴ This means that while judges usually finish before the end of the docket, there are many days when the judges cannot finish all of the cases on the dockets. While Anne Arundel judges always send to other courtrooms for work before leaving the bench, frequently all of the judges together cannot finish all of the cases. This was not the case just one year ago.

When a judge cannot finish the docket many unfortunate things happen. The judge is under incredible stress because all of the people who have come to court and expect to be heard are sitting in the courtroom. They are often hostile and insulting no matter how hard the judge tries to explain the problem. The judge has to cull out which cases must be heard and which will be postponed. This increases the bad feelings of those who are not heard. A judge who is under this pressure is likely to give the public the impression that even if their case is heard, the court has traded quality for quantity.

The more time a judge spends in court, the less time there is for chambers work. For this reason, chambers work may take weeks to be finished and returned to the clerks for processing. This creates extra problems for the clerk's office because they must respond to all inquiries about the status of pending matters and work overtime to make up for lost time. For example, when a simple postponement request is ruled on close to the trial date, the clerk must spend extra time trying to reach the parties by telephone and do hand-generated notices.

There is far more chambers work than before and far less time to do it. The increase in case filings causes more motions, more violations of probation reports to review, more requests for revision of the Court's rulings and more.

In Anne Arundel County the administrative judge should be scheduled to have one day per week in chambers to deal with the administration of the court. During the rest of the week it is virtually impossible to return telephone calls, meet with court personnel for more than 10 minutes at a time, and focus on the business of the court. With the increased need for help in the courtrooms, the administrative judge frequently forgoes time in chambers so that the most pressing need of getting cases through the court is met. This means that the court suffers and the administrative judge must put in far longer hours than the

⁴ Unfortunately, the practice of having clerks handle the uncontested rent cases has slowly resumed in Anne Arundel County. On mornings when there are several hundred rents to call, there is not enough time for the judges to handle that and their regular dockets. Therefore, the time taken by those cases is not included in the bench time figures because clerks have called them.

associate judges without compensation.

Perhaps most telling of the effects of the overload on the Anne Arundel District Court is that criminal defendants now are being given first trial dates that are more than six months from the date of arrest. This needs no elaboration on adverse effects and undesirability.

Anne Arundel County judges and clerks are feeling a stress that only another judge can alleviate. Fortunately, the present facilities are likely to be sufficient to accommodate one. Although there are seven judges and seven courtrooms, there are enough days in the court schedule where there is an empty courtroom so that an eighth judge would almost always have a courtroom.⁵ Additionally, there is a large office off of the lobby in the Glen Burnie District Court which has been used by the constables. As they will soon be leaving District Court, this room could conceivably be converted into a small courtroom. This might be an ideal place to put special set civil cases, domestic violence hearings and the like. There is an office which might easily be converted into a chambers on the same secure hall behind the courtrooms where the other four judges now have chambers. Finding a courtroom and space with the existing facilities appears feasible.

Summary

The increases in filings and long cases have taxed the Anne Arundel judges to the limit.⁶ They now spend far more time in court than they should in order to do their job, both inside and outside the courtroom. In addition to the stress placed on the judges, the clerks office is directly affected and the public confidence and satisfaction with the process is undermined.

MFR:hs
Attachments

⁵ See Attachment #2.

⁶ See Attachment #3.

FISCAL YEAR 1995 BENCH TIME STATISTICS

DISTRICT	AVERAGE/YEAR	
1	4.32	2
2	3.54	7*
3	3.44	9
4	3.41	11
5	4.05	4
6	4.01	6
7	4.35	1
8	4.17	3
9	4.04	5
10	3.54	7*
11	3.42	10
12	3.23	12

DISTRICT COURT FOR ANNE ARUNDEL COUNTY
DARK DAYS
JANUARY 1995 THROUGH OCTOBER 1995

MONTH	DAYS COURT IN SESSION	DARK DAYS ANNAPOLIS	DARK DAYS GLEN BURNIE	TOTAL DAYS DARK	%
JANUARY	20	4	3.5	7.5	38%
FEBRUARY	19	10	13	23	121%
MARCH	23	8	5	13	57%
APRIL	20	5	15	20	100%
MAY	22	7	14	21	95%
JUNE	22	9	25	34	155%
JULY	20	7	21	28	140%
AUGUST	23	15	26	41	178%
SEPTEMBER	20	8	23	31	145%
OCTOBER	21	9	10	19	90%
TOTALS	210			237.5	113%

Dark days due to sick leave, annual leave, Judicial training, Chamber Days for Administrative Judge, Administrative Judges Meetings, Rules Committee Meetings.

MY DAY AS A DISTRICT COURT JUDGE IN ANNE ARUNDEL COUNTY
ON NOVEMBER 21, 1995
MARTHA F. RASIN, ADMINISTRATIVE JUDGE

Although I would ordinarily be scheduled for Annapolis District Court on Tuesday, I am sent to Glen Burnie today because there is a civil case that I started and must now finish, and this is the first date and location available. Therefore, I am in Glen Burnie to hear the "carryover" case. Of course I will hear other cases as well. In order to accommodate my coming to Glen Burnie, another judge has to go to Annapolis today. These arrangements have repercussions and must be handled specially and cleared through the clerk's office.

I arrive at 8:15 a.m. From then until 9 a.m. I work in chambers on court work I have brought with me, visit the clerk's office to sign papers that cannot go to chambers because they must be signed quickly, and look over my morning docket. I see that on my morning docket are six or seven large claim cases and one is scheduled for two hours. The bailiff comes in to tell me that there are over 400 rent cases scheduled for this morning. He asks if I want the clerk to call them. I sheepishly tell him that under the circumstances we will have to do that. I know that Judge Loney has a number of cases which include a special set two-hour case and another set for 1½ hours. Since the morning docket is only three hours long, I know he will be busy. Judge Dryden's docket is similar.

I go on the bench at 9:00 a.m. I take several uncontested matters, a short contested trial that takes 30 to 45 minutes and hear two motions. By this time it is 10:10 a.m. and I know I must get to the two-hour case. However, there are two other cases left. I tell the attorneys in those cases about the problem and they opt to have their cases postponed rather than to wait and see if I finish the trial in time to take another case or if another judge becomes able to take their cases. I regret that these people have to come back another day and that we will have to find room for them on a future docket. I am grateful that they are so agreeable and that they, not I, will explain things to their clients and witnesses.

I start the two-hour case and since the defendant was unable to get several witnesses to court, it is over by 11:50 a.m. I know I am already late for my 11:30 a.m. meeting with the head civil clerk.

I leave the bench and find out that both of the other judges are still on the bench and a domestic violence petition has been

filed and must be heard. I return to the bench and conduct the ex parte hearing. I leave the bench again just after noon.

I find out that there are about ten rent cases that came from the courtroom where the clerk was calling rents that need to see a judge. Rather than make them all wait until the afternoon docket (which is already full) I return to the courtroom to see what I can do. I am able to dispose of all but one. Miraculously only one of the 400+ rent cases will go to trial today. I tell them to be back at 1:30 p.m. The landlord and tenant agree on just one thing: they are mad at the court for holding them up all morning and then being told to come back later.

I leave the bench at 12:35 p.m. and go into my meeting with the head civil clerk. We need to have this meeting to address her concerns about some problems in the office. She is able to complete all of the items on the list she prepared for the meeting, but I do not reach mine. We will have to set up another meeting and hope we are not as rushed. I eat my lunch during our meeting which has also been attended by our administrative clerk. She has brought me a sandwich because she knows that I am unlikely to be able to start and finish my 11:30 a.m. meeting and still go out for lunch. I leave the meeting at 1:25 p.m. and make one personal phone call before I go back on the bench at 1:30 p.m. for the conclusion of the carryover case for which I have come to Glen Burnie. But first I must handle the rent trial which takes about $\frac{1}{2}$ hour.

The carryover case begins. This case was set originally as a two-hour case and I began it in July in Annapolis. It did not finish then and was set for another two hours today. This was the earliest available date. Needless to say, I hardly recognize the litigants. Their poor attorneys aren't sure what evidence they put on in July. More worrisome, they aren't sure what I remember. Of course I remember very little and I use my notes and previous exhibits for help. It is a less-than-satisfactory arrangement all around. When it is over I know that things have been raised today which necessitate my getting the tapes of the first part of the trial to make the right decision. I must order them and find an hour or two to sit in an empty courtroom and listen to them. This trial has now expanded by another several hours because part of it has to be heard twice. It has also expanded by the time it will take me to put my opinion in writing.

While taking a 10-minute break in the afternoon I am able to call a woman who has been trying to reach me for days to discuss educating judges in Virginia on domestic violence. We talk only a short time and I tell her I will have to call her back and/or write a letter because I have to get back into the courtroom.

I finish the carryover trial with forty-five minutes to spare. It is 3:45 p.m. I send to see if I can help another judge. One of the other judges sends me a short trial and it is over by 4:15 p.m. There is another domestic violence case just filed, and so I hear it before leaving the bench at 4:30 p.m. on the nose.

I go over to the clerk's office to see if there are any last-minute postponement requests to rule on or civil matters that cannot wait to go through chambers. Fortunately, Judge Loney has done most of this since he left the bench after 4:00 p.m.

I return to my office and try to make some calls. I leave a few notes for the secretary and head for home. Judge Dryden is still on the bench when I leave just before 5:00 p.m. I know there is work for me to do, but after 6½ hours on the bench I have a headache, and so I take what work I am allowed to leave the building with (i.e., no court files, exhibits, etc.) and head home.

This day is not average but it is also not abnormal. I am likely to have a similar day before too long. I am worried about the criminal cases that are taking so long to get to court. Tomorrow I will have a criminal docket and, because cases are set so far from the arrest date, and because cases will already have been postponed because we have not been able to take the case on the first trial date, witnesses and defendants will not show up.

My first goal each day is to treat the people in the last case with the same respect and attention that I give to the people in the first case. I am satisfied that today I was able to do that. On days like this it is not easy.



Mary Ellen T. Rinehardt
Administrative Judge

DISTRICT COURT OF MARYLAND
District Number 1

November 1, 1995

5800 Wabash Avenue
Baltimore, Maryland 21215
764-8969
TTY: 383-7555

MEMORANDUM

To: The Honorable Robert F. Sweeney, Chief Judge
From: Mary Ellen T. Rinehardt, Administrative Judge *just*

I am sending you some numbers and comments that are not reflected in the monthly statistical breakdowns but speak to our ability to continue to maintain the swift and careful disposition of cases brought to our courts, both criminal and civil.

It is clear that the numbers of arrests are growing in Baltimore City, thereby increasing both caseloads and bail reviews. In July of 1995 we did 2078 bail reviews (1811 in July, 1994); in August of 1995, we did 2302 (2299 in August of 1994). Arrests have risen from 6579 in July, 1995 (5896 in July, 1994); to 6934 in August 1995 (6085 in August, 1994). We are now only tenuously holding on to our thirty to thirty-three day trial schedule for defendants being held in the Baltimore City Detention Center.

Still dealing with our criminal dockets, we have a backlog of 3695 parking cases (reduced from 5695 by the City amnesty program in August). Cases from July, 1995 are being scheduled for May, 1996. We docket fifty cases per day.

The Housing citations are scheduled up through December 15, 1995. We schedule sixty of these every Friday afternoon, in a court where non-serious traffic cases are tried during the morning docket. The Housing Department has been and is requesting us to schedule 100 cases.

The Drug Treatment Court procedure requires that cases are rescheduled manually and thus these multiple hearings do not appear on statistical reports. There are now some 800 defendants in the Drug Treatment Court Program. At any time approximately 200 are on bench warrant status. Of those remaining, a percentage are on the Circuit Court component of the Program. The great majority, however, are on the District Court Drug Treatment Court Program. Wednesdays are status conference days with defendants on the Program reporting to the Drug Treatment Court judge at thirty, sixty, or ninety day intervals, depending on their progress. The volume of cases and the number of hearings is substantial.

Domestic Violence cases take two distinct forms, some are criminal in nature, the others are civil cases for injunctive

relief. The criminal cases are spread through the nine Districts. Several of the Districts have special prosecutors, but Western, Northwestern, Southwestern and Southern do not. For those Districts with special prosecutors, we attempt to schedule criminal domestic violence cases on assigned days. Because of the large volume, this is not always possible. We plan to establish a domestic violence criminal court where the serious batteries, serious charges of stalking, and other dangerous behaviors are gathered together city-wide for trial. In establishing this court, we will be able to achieve two goals. The first is to concentrate the effort to protect victims, the second is to reduce caseloads in the other criminal districts to manageable numbers. There are days when sixty to seventy cases are handled on morning dockets.

The civil domestic violence cases are also growing in number. On fully half of the petitions filed, there are two hearings. For many of the petitions filed, there may be three or more hearings (ex parte, protective order, modification, contempt).

Finally, although bench time can be a very telling measure of activity and volume, we have no measure for chambers time. If cases increase in the criminal and civil courts, so do the motions, letters, requests, and inquiries regarding them. Our judges have very long hours in work that carries great responsibility. I do not make a request for a new judge lightly. Any objective review of the work done by our bench would conclude that a request for only one judge is a very modest one.

METR/db



DISTRICT COURT OF MARYLAND
District Number 8

JOHN H. GARMER
Administrative Judge

120 E. Chesapeake Avenue
Towson, Maryland 21286-5307
(410) 321-3355

July 27, 1995

The Honorable Robert F. Sweeney, Chief Judge
District Court of Maryland
Courts of Appeal Building
361 Rowe Boulevard
Annapolis, Maryland 21401-2395

Dear Judge Sweeney:

In anticipation of your annual inquiry regarding the need for additional judges, I respectfully request that you give serious consideration to seeking the creation of an additional judgeship for the District Court for Baltimore County. As you are aware, we have had a complement of twelve judges since the inception of the Court.

In almost every category of case, there has been a substantial increase in the number of filings and trials. In routine traffic cases the number of citations issued and trials has returned to previous levels as these figures indicate:

	<u>FY1990</u>	<u>FY1994</u>	<u>FY1995</u>
Citations issued	155771	101870	142558
Trials	73740	42368	72974

During the last few years, with the sharp drop in routine traffic cases we have been able to utilize that docket space for civil trials, motion hearings, etc. It appears that we will no longer be able to do this.

In serious traffic cases (not including DWI) there has been a 13% increase in the number of filings from 6,666 cases in FY1990 to 7,552 cases in FY1995. The only category in which there has been

July 27, 1995
Page 2 of 4

a decrease in the number of filings is DWI cases where the number has decreased approximately 45% since FY1990. This decrease is offset to some extent by the fact that a much larger percentage of DWI cases involve second or multiple offenders resulting in more actual trials (as opposed to guilty pleas or statements of fact) which consume more docket time. It is also offset by the increase in criminal cases.

With regard to criminal cases, there has been an increase of approximately 20% in the number of cases tried since FY1990 as the following figures indicate:

	<u>FY1990</u>	<u>FY1995</u>
Filings	18545	20720
Trials	7401	8857

The most significant aspect of our criminal dockets is the number of cases that we are scheduling as specially set cases, that is, cases which will require 1/2 day or 1 day to try. In FY1995, we scheduled 372 specially set criminal cases. In order to accommodate these cases, we have set aside one criminal docket per week, morning and afternoon, in the Dundalk court location for the assignment of specially set cases, one morning docket per week in the Essex court location and some one-half day dockets in the Towson court location. Obviously, eliminating routine dockets on these days results in extending trial dates. In Dundalk, for example, as of July 24, 1995 routine dockets are full through October 23, 1995 with dates being used through November 22, 1995. At the present time we are scheduling specially set criminal cases in Dundalk in early January 1996 and I am informed by the State's Attorney's Office that speedy trial motions have been filed in a number of these cases. Additionally, in an effort to address the continuing overcrowding at the Detention Center, we recently moved our preliminary hearing docket from Thursday afternoon to Wednesday afternoon so that we could schedule an additional jail docket on Thursday afternoon. Obviously this too has resulted in the elimination of a routine criminal docket although it is too early to determine the precise impact.

With regard to civil cases, there have also been substantial increases in the number of cases as the following figures indicate:

	<u>FY1990</u>	<u>FY1995</u>
Landlord & Tenant		
Filed	97179	100775
Contested	2096	2732
Contract/Tort		
Filed	26194	31320
Contested	2492	7053
Domestic Violence		
Filed	806	2241
Granted	574	1733
Emergency Evaluation	383	577

Most noteworthy is the fact that contested Contract/Tort cases have risen 183% and the number of Domestic Violence filings have risen 178%. In Domestic Violence cases, Protective Order hearings result in 77% of the cases. These Protective Order hearings are routinely scheduled during regular dockets or at the end of regular dockets. On average, these hearings consume approximately one-half to three-quarters of an hour but it is not unusual for such a hearing to extend to one and a half to two hours. According to data submitted to headquarters, the total bench time spent on Domestic Violence cases in FY1995 was 623 hours or 156 court days based on an average of 4 hour day. It has been suggested by several judges that a docket be set aside on a weekly basis in one court location to schedule Protective Order hearings. While this idea has much merit and is being done in other smaller districts, I do not believe our current judicial complement and docket structure would permit such scheduling.

As with criminal cases, specially set civil cases also have a substantial impact on our dockets. In FY1995, 141 civil cases were specially set representing 17% of our civil dockets. As with criminal cases, we have set aside one civil docket per week in both the Dundalk and Essex court locations for these cases as well as some half days in Towson where routine traffic cases were not set. Currently, trial dates for specially set civil cases extend into December, 1995. In an effort to reduce the number of civil

July 27, 1995
Page 4 of 4

specially set cases, three judges conduct pre-trial conferences in those cases which typically would require additional time to try, such as, construction cases and motor tort cases. Each judge schedules his own conferences either before, during or after his regular docket. In FY1995, 214 cases were forwarded to these judges for pre-trial conferences. It is clear that the trend in Baltimore County is the trial of the \$10,000 to \$20,000 case in District Court and it can reasonably be expected to continue.

With regard to daily bench time, I do not have the actual figures for FY1990 but from memory I believe the average was less than 4 hours. For the first ten month of FY1995 the average daily bench time in Baltimore County was 4 hours 20 minutes, ranking either second or third statewide. I have no reason to believe that the caseload and judicial workload, and therefore bench time, will not continue to increase in the foreseeable future.

Recognizing the fiscal impact of creating a new judgeship and aware of your reluctance to ask the General Assembly to create a judgeship unless you are convinced it is needed, I submit this request satisfied in my own mind that our workload, now and in the future, fully justifies an additional judge. I know that you must view this request from a statewide perspective and in light of other Districts requirements and I appreciate your usual studied and thoughtful consideration.

Should you desire additional information or wish to discuss any aspect of this request, I would of course be happy to comply.

Very truly yours,



John H. Garner

JHG/hz

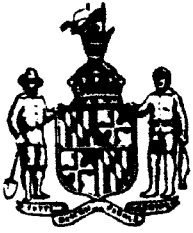
cc: District #8 Judges

FISCAL YEAR 1995 BENCH TIME STATISTICS

FY95 STATEWIDE AVERAGE: 4.09

DIST	JULY Avg Rank Time	AUGUST Avg Rank Time	SEPTEMBER Avg Rank Time	OCTOBER Avg Rank Time	NOVEMBER Avg Rank Time	DECEMBER Avg Rank Time	JANUARY Avg Rank Time	FEBRUARY Avg Rank Time	MARCH Avg Rank Time	APRIL Avg Rank Time	MAY Avg Rank Time	JUNE Avg Rank Time	Y E A R
1	4.27 1	4.24 1*	4.33 1*	4.39 2	4.53 1	4.33 2	4.33 2	4.27 2	4.21 3	4.35 1	4.28 3	4.34 1	4.32 2
2	3.37 8	3.53 5	3.45 8	3.56 9	4.06 7	3.39 7	4.01 6	4.13 4	3.54 8	3.42 10	4.11 6	4.00 7	3.54 7*
3	3.29 11	3.47 6*	3.26 11	3.57 8	3.50 8	3.38 8	3.46 9	3.52 9*	3.42 10	3.52 9	3.51 7*	3.45 10	3.44 9
4	3.34 10	3.28 11	3.54 7	4.15 4*	3.47 10	3.26 11*	3.45 10	3.52 9*	3.29 12	3.24 12	3.41 10	3.46 9	3.41 11
5	3.52 6	3.47 6*	4.05 5	3.58 7	4.16 5	3.51 4	4.13 4	3.54 8	4.12 5	4.21 4	4.19 4	4.14 4	4.05 4
6	3.59 5	3.54 4	4.13 4	4.15 4*	4.10 6	3.48 6	4.10 5	4.06 5	3.57 7	4.04 6	3.51 7*	3.56 8	4.01 6
7	4.22 2	4.24 1*	4.33 1*	4.41 1	4.52 2	4.35 1	4.51 1	4.37 1	4.33 1	4.32 2	4.32 2	4.33 2	4.35 1
8	4.13 3	4.00 3	4.25 3	4.19 3	4.30 3	4.10 3	4.15 3	4.25 3	4.23 2	4.19 5	4.16 5	4.15 3	4.17 3
9	3.49 7	3.44 9	4.00 6	4.08 6	4.25 4	3.37 9	3.36 11	3.57 7	4.16 4	4.29 3	4.57 1	4.06 5*	4.04 5
10	4.11 4	3.47 6*	3.43 9	3.44 11	3.33 12	3.52 5	3.48 7	4.04 6	4.11 6	4.03 7	3.51 7*	4.06 5*	3.54 7*
11	3.36 9	3.36 10	3.37 10	3.53 10	3.38 11	3.36 10	3.47 8	3.52 9*	3.45 9	3.55 8	3.39 11	3.44 11	3.42 10
12	3.25 12	3.18 12	3.23 12	2.55 12	3.49 9	3.26 11*	3.28 12	3.08 12	3.32 11	3.34 11	3.29 12	3.15 12	3.23 12
TLS	4.03	3.59	4.09	4.13	4.20	4.02	4.12	4.10	4.09	4.14	4.11	4.10	4.09

EXHIBITS B-1 THROUGH B-8
COMMENTS OF CIRCUIT ADMINISTRATIVE JUDGES



The Circuit Court for Wicomico County

FIRST JUDICIAL CIRCUIT OF MARYLAND

ALFRED T. TRUITT, JR.

P.O. BOX 866

CHIEF JUDGE

SALISBURY, MARYLAND 21803-0866

ADMINISTRATIVE JUDGE

TELEPHONE (410) 548-4822

FAX NO. (410) 548-4826

December 1, 1995

George B. Riggin, Jr.
State Court Administrator
Administrative Office of the Courts
Courts of Appeal Building
Annapolis, MD 21401

Dear George:

I have reviewed the statistical needs analysis for additional Circuit Court judges in Fiscal 1997.

I agree with the analysis which indicates this Circuit needs 2.9 additional judges but at this time we are not requesting any additional help.

Sincerely,

Alfred T. Truitt, Jr.
Judge

ATTJr:hlb



DONALD F. JOHNSON
JUDGE

The Circuit Court for Dorchester County

FIRST JUDICIAL CIRCUIT OF MARYLAND

P. O. BOX 583

CAMBRIDGE, MARYLAND 21613

(410) 228-6300

December 1, 1995

George B. Riggin, Jr.
State Court Administrator
Administrative Office of the Courts
Courts of Appeal Building
Annapolis, Maryland 21401

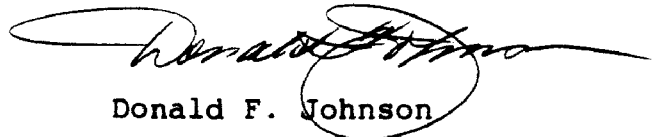
Dear Mr. Riggin:

As I recall, it was in October of 1994 when I notified you that because of Wicomico County's increasing caseload, Judge Warren was no longer sitting in Dorchester County two weeks a month, but one. During the first five months of the 1995-96 fiscal year, Judge Warren has sat in Dorchester County on average three days a month. Therefore, Dorchester should not be assessed one-half (1/2) a judge for statistical analysis purposes.

Regarding Judge Owen Wise's letter to you of November 21, 1995, I believe his suggestion that consideration be given to a new judgeship to be divided between Dorchester and Talbot Counties and the two circuits has merit. Based on my past experiences with Judges Horne and Wise, I am sure that the two counties and circuits would cooperate to assure the success of such an endeavor.

As you know, Dorchester County's multi-million dollar addition to the court house to accommodate a second judge is almost completed.

Very truly yours,



Donald F. Johnson

DFJ/ss

cc: Hon. Alfred Truitt
Hon. William S. Horne
Hon. J. Owen Wise

The Second Judicial Circuit of Maryland

CIRCUIT COURT FOR CAROLINE COUNTY

J. OWEN WISE
CIRCUIT ADMINISTRATIVE JUDGE

November 21, 1995

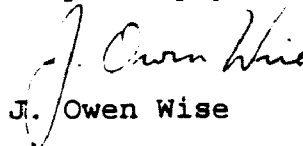
COURT HOUSE
P.O. BOX 288
DENTON, MARYLAND 21028
410-479-2300

George B. Riggin, Jr.
State Court Administrator
Administrative Office of the Courts
Courts of Appeal Building
Annapolis MD 21401

Dear Mr. Riggin:

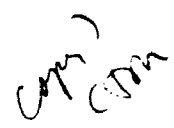
I have your Memo of November 13, 1995 regarding needs for New Judgeships for Fiscal 1997. With the additional circuit judgeship in Cecil County created as of February 1, 1995, our critical needs have been met. Table 8 indicates we are still 1.4 judges short in the Circuit, and the availability of the new judge outside Cecil County will dictate how soon we will be needing an additional judgeship for the lower three or four counties in the Circuit. I note that both Dorchester and Talbot Counties should have at least one-half an additional position. Even though they are in different circuits, they are in the same judicial nominating district. They are also adjacent counties and less than half an hour's drive time. Consideration should be given to a new judgeship to be divided between those two counties and circuits.

Very truly yours,


J. Owen Wise

JOW/sw

cc: Hon. Alfred Truitt
Hon. William S. Horne
Hon. Donald Johnson





The Circuit Court for Baltimore County

THIRD JUDICIAL CIRCUIT OF MARYLAND

CHAMBERS OF
EDWARD A. DEWATERS, JR.
CHIEF JUDGE AND
CIRCUIT ADMINISTRATIVE JUDGE

November 28, 1995

COUNTY COURTS BUILDING
TOWSON, MARYLAND 21204
(410) 887-2642

The Honorable Robert C. Murphy
Chief Judge
The Court of Appeals of Maryland
Courts of Appeals Building
Annapolis, Maryland 21401

Dear Chief Judge Murphy:

This is in response to a request by the Administrative Office of the Courts concerning the report prepared on the need for additional judgeships, entitled Statistical Analysis of the Need for Additional Judgeships in the Circuit Court (Fiscal 1997).

According to the Statistical Analysis, the Third Judicial Circuit is in need of 1.6 additional judges in Fiscal 1997, 0.8 in Harford County and 0.8 in Baltimore County. Over the past two years, the Statistical Analysis has indicated a strong need of adding one judge in Baltimore County. In fact if the court did not hire a juvenile master in September of this year, AOC projections would show a statistical need of 1.2 judges in Baltimore County. In spite of these statistical trends, I am not requesting an additional Circuit Court Judge in Baltimore County in the next fiscal year. The basis for the decision not to request an additional judge at this time stems not from the fact that the workload of the court has subsided but from the fact that the court does not have adequate facilities in place to support this judgeship. As indicated in the chart below, the number of filings in the Circuit Court for Baltimore County has increased 5.6 percent since Fiscal 1991. During that year, Baltimore County reported 25,384 original and reopened cases while in Fiscal 1995, the number of these filings totaled 26,810.

	FY 91	FY 92	FY 93	FY 94	FY 95
Civil	14,061	15,088	15,098	15,300	14,957
Juvenile	3,368	3,448	3,556	3,873	4,628
Criminal	<u>7,955</u>	<u>7,200</u>	<u>6,801</u>	<u>7,327</u>	<u>7,225</u>
Total	25,384	25,736	25,455	26,500	26,810

Overall during the past five years, the number of criminal filings have declined in Baltimore County due mostly to the success of the Instant Jury Trial Program while civil filings have risen steadily and juvenile caseload statistics in the past year went almost "off the board". In January of 1990, a fast track approach was initiated with jury trial demands in the District Court. Gradually over that year, various court locations were added so that the Circuit Court workload on these cases dropped to approximately 125 filings per month, as

Honorable Robert C. Murphy
November 28, 1995
Page 2

opposed to 350 cases a month prior to when this program was first implemented. This had a cumulative effect of deleting approximately 2,500 criminal filings from the workload of the Circuit Court for Baltimore County on a yearly basis for the past five years.

In terms of the civil workload, filings have continued to rise at the same rate (between one and two percent) as they have over the past ten years. In Fiscal 1995, there were 14,957 civil filings in Baltimore County. This represents an increase of approximately 1,284 more filings since Fiscal 1990, the last year a Circuit Court Judge was added in Baltimore County. As you are aware, without the availability of the Settlement Judges in Baltimore County, the Court would be hard pressed to keep current with its burgeoning workload. In calendar year 1994, these judges collectively held 2,580 hearings. Of this amount, there were 1,772 cases settled which resulted in a settlement rate of 68.6 percent.

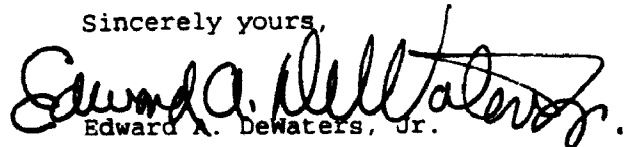
Juvenile filings in Fiscal 1995 climbed to 4,628 cases. This represents an all time high and an increase over the previous fiscal year by nearly 20 percent (755 additional filings). Through the use of a part-time juvenile master approved by State funding for family law resources, the court was able to begin addressing this rising tide of juvenile petitions in Baltimore County. Hopefully, we will be able to stay ahead of the game with this new master.

Finally, in terms of the Court's Civil Case Management Plan, more cases are now being set. This has had an impact upon the daily dockets of all the judges and masters of this court. In the year prior to DCM (October 1993 - September, 1994), the court scheduled 11,199 hearings and trials. Since the implementation of DCM (October 1994 - September 1995) approximately 12,324 scheduling orders have been sent out representing a 10 percent increase in the number of cases set for a trial or hearing in the Circuit Court for Baltimore County.

Physical facilities restrict the Court's ability to request additional judicial resources. Currently, an architect has been selected and is in the process of designing three new courtrooms on the fourth floor of the County Court's Building. Completion of these facilities is anticipated by the end of Fiscal 1997, which means that the court could not physically locate a new judge until a courtroom and related areas are in place.

As to the need for an additional judge in Harford County, I have not yet heard from Judge Carr, although I have forwarded him a copy of the Statistical Analysis prepared by the AOC. I am sure that with the recent authorization of a new judge in Harford County that there will be no request for a new judgeship in Fiscal 1997. I will pass any comments received from Judge Carr for inclusion in your overall Certification to the Legislature.

Sincerely yours,


Edward A. DeWaters, Jr.

EADjr/mc

cc: Honorable Barbara Kerr Howe
Honorable William O. Carr
Mr. George B. Riggan, Jr.
Mr. Peter J. Lally

STATE OF MARYLAND
FIFTH JUDICIAL CIRCUIT
ANNE ARUNDEL COUNTY COURTHOUSE
ANNAPOLIS
21401

RAYMOND G. THIEME, JR.
CIRCUIT ADMINISTRATIVE JUDGE

TELEPHONE (410) 222-1290
TDD (410) 222-1429

November 30, 1995

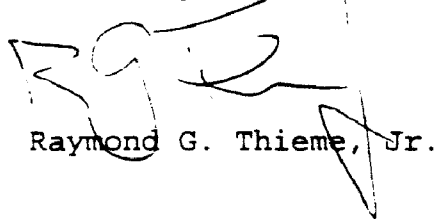
George B. Riggin, Jr., Esquire
State Court Administrator
Courts of Appeal Building
Rowe Boulevard
Annapolis, Maryland 21401

RE: New Judgeships - Fiscal 1997

Dear Mr. Riggin:

I apologize for the delay in responding to Judge Murphy's request. The Fifth Circuit will request no additional Judges.

Sincerely,



Raymond G. Thieme, Jr.

RGT:pr

cc: Honorable Raymond J. Kane, Jr.
Honorable Robert H. Heller, Jr.
Honorable Raymond E. Beck, Sr.



SIXTH JUDICIAL CIRCUIT
OF MARYLAND
JUDICIAL CENTER
50 COURTHOUSE SQUARE
ROCKVILLE, MARYLAND 20850

PAUL H. WEINSTEIN
COUNTY ADMINISTRATIVE JUDGE

(301) 217-7455

November 21, 1995

Honorable Robert C. Murphy
Chief Judge, Court of Appeals
Courts of Appeal Building
361 Rowe Boulevard
Annapolis, Maryland 21401

Re: Statistical Needs Analysis for New
Judgeships in the Circuit Courts 1996 Session

Dear Judge Murphy:

In response to your solicitation of need for additional judgeships requested for the 1996 session, I have reviewed the analysis and related factors therein and conclude that no request be presented to you for the Sixth Circuit.

Wishing you success in this up coming session, I am,

Very truly yours,

Paul H. Weinstein
Paul H. Weinstein

Circuit Court
for
Baltimore City

111 NORTH CALVERT STREET
BALTIMORE, MARYLAND 21202

November 22, 1995

RECEIVED

NOV 24 1995

ADMIN. OFFICE
OF THE COURT

JOSEPH H. H. KAPLAN
ADMINISTRATIVE JUDGE

396-5080
City Desk TTY 396-4830

Honorable Robert C. Murphy
Chief Judge
Court of Appeals of Maryland
County Courts Building
401 Bosley Avenue
Towson, MD 21204

Re: Statistical Needs Analysis for New Judgeships
in the Circuit Courts - 1996 Session (Fiscal 1997)

Dear Chief Judge Murphy:

As I mentioned to you on a couple of occasions in the last several weeks, since January 1 of 1995 our critical situation, as far as the handling of our dockets is concerned, has been greatly exacerbated. On the felony side, the Police Department's drug raids which have been reported time and again in the various media have gone on unabated and will continue to occur for the indefinite future. This has caused an approximately 36% increase in our felony docket since January 1, 1995, and the movement of our trial queue for these cases has become dangerously close to the 180 day Hicks deadline.

In an attempt to prevent cases from being dismissed for lack of a speedy trial, a fourth drug court was established at the onset of the September, 1995 term. This meant that a judge had to be taken away from the regular felony docket consisting of homicides, rapes, robberies and other non-drug serious cases. This move, though necessary, has caused the non-drug felony docket to be over burdened and so a judge has to be taken away from civil, when our vacancies are filled, so that there will be, once again, five non-drug felony courts.

The removal of one judge from the civil docket will leave the handling of that docket to eight judges. One of the eight is scheduled to hear all motions (one of the busiest dockets in this court). Another judge is scheduled each week to hear non-jury matters on our "fast track docket" such as administrative appeals, mechanic's liens, district court appeals, and other equity matters. Of the six remaining judges, two are hearing asbestos litigation on a full-time basis (there are currently about 11,300 of those cases awaiting trial). The result is

that there are only four judges available to process the regular civil cases which are filed at the rate of about 600 cases per month as well as the 800-900 lead paint cases that presently are on the civil docket. Even with the assistance of part-time retired judges, we have not been able to keep up with the daily caseload. Both the asbestos and lead paint cases involve multi-week trials. In fact, the asbestos cases, on the average, go on for four or five months. Further, several thousands of the asbestos cases come from other jurisdictions but are handled with our thousands. Nothing in the Statistical Needs Analysis recognizes that we are dealing with some 11,300 asbestos cases and the time that it takes to try one of those cases.

The Circuit Court for Baltimore City has endeavored to do everything within its power to provide for more effective management of civil cases. Beginning in 1991, it placed all civil jury trials on a computerized scheduling order which set a trial date one year from the date that order issued. That scheduling order includes deadlines for discovery, dispositive motions, and provides for a mandatory pretrial settlement conference. Those pretrial settlement conferences have been ongoing since 1991 and are presided over by all civil judges, as well as an extraordinary group of volunteer lawyers from the metropolitan Baltimore area. Currently, with a grant received from the State Justice Institute, the Circuit Court for Baltimore City is implementing an automated Differentiated Case Management program ("DCM") which will place a case on one of seven tracks, depending on the nature of the case and its complexity.

However, even with all of these efforts, the docket remains backlogged on a daily basis, and attorneys who have prepared for trial, lined up witnesses, and brought in experts from out of State, are left in a dilemma of waiting day by day until their case can be called. The future does not offer much promise. The asbestos litigation is non-ending, and the civil docket sorely misses those judges who have been assigned to handle it. In addition, as previously indicated, one civil judge has been permanently assigned to assist with the drug felony court which is trying to cope with the major influx of drug cases that have come into the system. The only way to process these cases in a consistent manner is to have more available courts.

Similarly, the domestic docket, which consists of three judges and two masters, is over burdened with pro se cases and domestic violence cases. Because many of the domestic cases are pro se, they take much longer to try or otherwise dispose of than cases where parties are represented by counsel. The Statistical Needs Analysis for New Judgeships unequivocally shows that domestic violence filings in the Baltimore City Circuit Court have gone up substantially. If we are to give family matters the priority which they justly deserve, we cannot continue to limp along in this fashion.

The juvenile docket is also seriously over burdened but, by looking at the Statistical Needs Analysis for New Judgeships, one would be under the impression that our juvenile docket was reducing. The analysis in no way reflects reality because the QUEST system which we put into effect in 1994 changed the way this court charges its cases.

The old computer system which was in effect prior to QUEST, only allowed a petition (the juvenile charging document) to contain nine charges. As a result, a juvenile offender could be charged with several petitions for one incident. QUEST has allowed the prosecutors to place as many charges as necessary in just one petition. Therefore, since the implementation of QUEST, a juvenile offender will only have one petition filed per incident. Consequently, since the implementation of the QUEST computer system, the number of juvenile petitions filed has decreased, but the total number of incidents for which juvenile offenders have been charged has increased dramatically.

"OLD SYSTEM"

Number of juvenile petitions filed		Number of juvenile offenders charged
1991	9,901	6,375
1992	11,429	7,637
1993	11,698	7,595

"QUEST SYSTEM"

1994	9,000 (ext.)	9,000 (est.)
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When we started calendar year 1995, we had an inventory of approximately 2,200 felony defendants. Largely because of the large scale drug arrests which are continuing on a regular basis, our felony defendant inventory, as of the end of August, 1995, was about 3,500 defendants and the trial queue has moved up to about 150 days, leaving not much room for slippage. As previously stated, as soon as our vacancies are filled, to try to stem the tide, a judge will be taken away from the civil docket and a fifth regular felony court will be established. These courts, along with the four drug courts, one of which is a drug treatment court, will provide us with a total of nine felony courts and one felony arraignment/misdemeanor reception/drug treatment court. On a typical day the drug courts, which arraign their own defendants, may have as many as 85 arraignments and rearraignments which have to be dealt with in addition to that court's regular trial docket.

Honorable Robert C. Murphy
November 22, 1995
page 4

That number of arraignments or even 20 or 30 arraignments along with an overburdened trial docket is counter-productive and results in the burnout of judges and courtroom personnel.

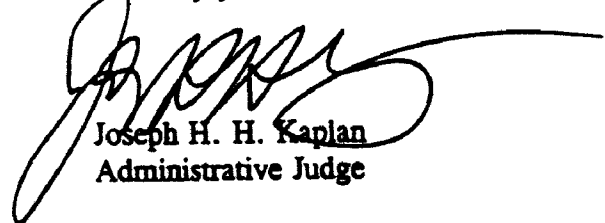
Not to be left unscathed is the misdemeanor docket. For about five years now we have not had the assistance of a District Court judge to handle this docket but have had to supply two and a half of our own judges to keep it under control. Where did they come from? Once again, they were taken away from the civil docket and they cannot be returned to the civil docket if the misdemeanor trial deluge is to be kept under control.

Though we are deeply appreciative of your providing us with the services of retired judges on a regular basis, the administration of justice at the Circuit Court level cannot survive in an any acceptable way without the addition of at least four full-time judges.

We have physical plants which will accommodate four more judges though, as you know, the staffing of those judges with law clerks and secretaries is a problem that must be dealt with. The City government should not be permitted to control the way justice is administered in Baltimore City by its refusal to fund the necessary support positions. This Court has assumed the State's entire personal injury asbestos problem. We are also the only jurisdiction with an extensive lead paint docket. Criminal trials and guilty pleas from this jurisdiction have resulted in about half of the State's 22,000 prisoners. There is hardly a day where one or more homicide cases isn't being tried in one of our felony courts.

Despite this onslaught, criminally, civilly, domestically and with respect to our juvenile docket, the Circuit Court for Baltimore City since 1979 has been the beneficiary of only four additional judges while Prince George's County has gotten eight, Montgomery County six and Baltimore County five. If the Circuit Court for Baltimore City does not receive the additional judges, we will, in a relatively short time, be squeezed into a non-functional status. That cannot be permitted to happen!

Sincerely yours,



Joseph H. H. Kaplan
Administrative Judge

JHHK/kak
cc: All Judges
George B. Riggin, Jr., Esquire

EXHIBIT C

STATISTICAL TABLES IN SUPPORT OF
THE NEED FOR ADDITIONAL JUDGEShips
IN THE CIRCUIT COURTS

TABLE 1
STATEWIDE CIRCUIT COURT FILINGS BY CASE TYPE
FISCAL YEARS 1984 THROUGH 1995

Case Type	FY 84 Filings (% of Change)	FY 85 Filings (% of Change)	FY 86 Filings (% of Change)	FY 87 Filings (% of Change)	FY 88 Filings (% of Change)	FY 89 Filings (% of Change)	FY 90 Filings (% of Change)	FY 91 Filings (% of Change)	FY 92 Filings (% of Change)	FY 93 Filings (% of Change)	FY 94 Filings (% of Change)	FY 95 Filings (% of Change)
Civil ^a	97,674 + 7.03%	102,030 + 4.46%	106,716 + 4.59%	106,193 -0.49%	112,645 + 6.08%	116,009 + 2.99%	128,893 +11.11%	137,077 + 6.35%	149,229 + 8.87%	158,185 + 6.00%	157,005 - 0.75%	147,784 -5.87%
Criminal	36,738 + 8.49%	42,547 +15.81%	48,660 +14.37%	55,247 +13.54%	57,923 + 4.84%	61,330 + 5.88%	60,428 -1.47%	69,451 +14.93%	74,062 + 6.64%	69,836 - 5.71%	68,927 - 1.30%	68,672 -0.37%
Juvenile ^b	26,626 + 0.41%	27,387 + 2.86%	30,834 +12.59%	32,439 + 5.21%	32,806 + 1.13%	33,629 + 2.51%	36,598 + 8.83%	32,716 -10.61%	33,360 + 1.97%	37,660 +12.89%	38,694 + 2.75%	38,252 -1.14%
Total	161,038 + 6.20%	171,964 + 6.78%	186,210 + 8.28%	193,879 + 4.12%	203,374 + 4.90%	211,058 + 3.78%	225,919 + 7.04%	239,244 + 5.90%	256,651 + 7.28%	265,681 + 3.52%	264,626 -0.40%	254,708 -3.75%

^aBeginning in Fiscal 1985, "Law" and "Equity" were combined into one "Civil" category.

^bExcludes juvenile causes in Montgomery County which is the jurisdiction of the District Court.

TABLE 2
PROJECTIONS OF CIRCUIT COURT FILINGS FOR
EACH JURISDICTION IN MARYLAND THROUGH 1997

	Projected ^a									
Circuit/Jurisdiction	FY 88	FY 89	FY 90	FY 91	FY 92	FY 93	FY 94	FY 95	FY 96	FY 97
<u>First Circuit</u>	7,930	8,836	8,947	9,190	10,882	11,296	11,096	11,079	11,465	11,648
Dorchester	1,726	1,800	1,792	1,674	2,218	2,068	2,044	1,901	2,048	2,077
Somerset	1,108	1,314	1,334	1,579	1,784	2,046	2,026	2,051	2,172	2,250
Wicomico	2,994	3,621	3,663	3,577	3,854	3,986	3,936	3,924	4,075	4,147
Worcester	2,102	2,101	2,158	2,360	3,026	3,196	3,090	3,203	3,170	3,174
<u>Second Circuit</u>	6,939	7,840	9,238	9,721	10,442	10,013	10,041	10,750	10,296	10,324
Caroline	1,180	1,238	1,283	1,401	1,325	1,440	1,302	1,541	1,493	1,524
Cecil	2,897	3,194	3,817	4,001	4,633	4,413	4,328	4,718	4,001	3,848
Kent	643	661	883	966	1,437	1,171	1,392	1,324	1,459	1,526
Queen Anne's	1,045	1,306	1,654	1,648	1,342	1,388	1,351	1,357	1,456	1,472
Talbot	1,174	1,441	1,601	1,705	1,705	1,601	1,668	1,810	1,887	1,954
<u>Third Circuit</u>	31,968	33,334	33,713	31,995	33,492	32,815	33,537	34,110	34,473	34,939
Baltimore	25,509	26,371	27,274	25,384	25,736	25,455	26,500	26,810	27,062	27,423
Harford	6,459	6,963	6,439	6,611	7,756	7,360	7,037	7,300	7,411	7,516
<u>Fourth Circuit</u>	7,463	8,097	8,832	8,645	9,350	9,099	10,544	10,206	10,677	11,029
Allegany	2,052	2,226	2,296	2,366	2,576	2,795	3,224	2,680	3,127	3,262
Garrett	906	949	1,063	1,090	1,131	1,099	1,150	1,152	1,173	1,190
Washington	4,505	4,922	5,473	5,189	5,643	5,205	6,170	6,374	6,377	6,577
<u>Fifth Circuit</u>	25,611	26,808	31,675	38,995	40,074	39,866	39,671	38,276	33,358	33,987
Anne Arundel	15,717	16,565	19,960	26,633	26,798	26,250	26,362	24,053	18,178	18,249
Carroll	4,049	4,247	4,563	4,978	5,581	6,236	6,296	6,143	6,501	6,675
Howard	5,845	5,996	7,152	7,384	7,695	7,380	7,013	8,080	8,679	9,063
<u>Sixth Circuit</u>	25,328	28,153	30,849	30,577	38,959	43,480	40,246	31,513	33,427	35,602
Frederick	3,805	4,159	4,787	5,281	5,289	5,155	5,219	5,356	5,434	5,506
Montgomery ^b	21,523	23,994	26,062	25,296	33,670	38,325	35,027	26,157	27,993	30,096
<u>Seventh Circuit</u>	45,077	46,932	49,807	50,728	52,777	51,999	55,213	59,298	55,661	56,634
Calvert	1,695	1,793	2,913	2,868	2,904	2,807	2,801	3,752	3,662	3,876
Charles	4,733	4,825	4,741	4,934	5,539	5,456	5,712	6,785	6,560	6,828
Prince George's	35,314	36,533	38,931	39,037	40,082	39,748	42,721	44,664	41,023	41,377
St. Mary's	3,335	3,781	3,222	3,889	4,252	3,988	3,979	4,097	4,416	4,556
<u>Eighth Circuit</u>	53,058	51,058	52,858	59,393	60,675	67,113	64,278	59,476	59,009	57,484
Baltimore City	53,058	51,058	52,858	59,393	60,675	67,113	64,278	59,476	59,009	57,484
STATEWIDE	203,374	211,058	225,919	239,244	256,651	265,681	264,626	254,708	248,366	251,647

^aFor Fiscal Years 1996 and 1997, projections are based on a linear regression method of forecasting utilizing data from Fiscal Year 1984 through Fiscal Year 1995. In some instances, data may be deleted because it may skew projections.

^bExcludes juvenile cases heard in Montgomery County. In addition, 10,374 tax liens reported by Montgomery County have been excluded in Fiscal Year 1995.

TABLE 3

FILING TO DISPOSITION OF CASES TERMINATED
IN FISCAL 1992, 1993, 1994, AND 1995

	All Criminal Cases				Excluding Cases Over 360 Days*			
	FY 92	FY 93	FY 94	FY 95	FY 92	FY 93	FY 94	FY 95
<u>First Circuit</u>								
Dorchester	201	158	116	161	129	120	101	133
Somerset	101	118	89	87	98	99	82	83
Wicomico	88	102	120	111	85	98	117	105
Worcester	117	132	128	79	111	125	108	77
<u>Second Circuit</u>								
Caroline	142	155	147	152	145	138	142	140
Cecil	181	178	238	185	166	163	157	167
Kent	169	244	145	153	168	159	140	142
Queen Anne's	311	124	127	150	123	118	118	133
Talbot	115	133	130	135	115	127	127	133
<u>Third Circuit</u>								
Baltimore	136	105	108	143	83	83	80	82
Harford	212	210	228	223	141	143	145	145
<u>Fourth Circuit</u>								
Allegany	149	156	160	159	142	134	138	137
Garrett	102	127	133	121	102	112	133	121
Washington	206	177	174	151	148	139	138	129
<u>Fifth Circuit</u>								
Anne Arundel	177	171	167	166	138	144	136	135
Carroll	121	117	128	139	120	109	122	128
Howard	167	175	183	178	127	130	134	138
<u>Sixth Circuit</u>								
Frederick	182	237	185	196	150	157	160	172
Montgomery	169	206	181	156	113	122	113	93
<u>Seventh Circuit</u>								
Calvert	159	268	312	141	131	144	132	136
Charles	170	200	191	189	158	179	162	159
Prince George's	143	162	164	154	120	126	125	121
St. Mary's	151	169	182	188	132	141	142	158
<u>Eighth Circuit</u>								
Baltimore City	143	124	123	126	95	88	93	96
Statewide	151	150	148	147	112	112	112	113

*This column provides a more accurate estimate of average case time by excluding older cases which may have failed to be reported statistically as closed.

TABLE 3 (cont'd.)

FILING TO DISPOSITION OF CASES TERMINATED
IN FISCAL 1992, 1993, 1994, AND 1995

	All Civil Cases				Excluding Cases Over 721 Days*			
	FY 92	FY 93	FY 94	FY 95	FY 92	FY 93	FY 94	FY 95
<u>First Circuit</u>								
Dorchester	313	294	244	328	186	158	183	206
Somerset	200	129	139	134	136	119	117	116
Wicomico	229	223	258	330	182	166	204	212
Worcester	240	345	233	190	186	205	194	175
<u>Second Circuit</u>								
Caroline	353	291	243	371	201	161	162	188
Cecil	348	264	304	277	162	173	163	163
Kent	171	276	245	220	128	202	170	181
Queen Anne's	246	227	191	206	197	189	163	175
Talbot	203	213	217	199	167	177	171	159
<u>Third Circuit</u>								
Baltimore	339	415	417	306	195	180	187	179
Harford	436	290	310	426	198	179	184	194
<u>Fourth Circuit</u>								
Allegany	389	298	278	234	298	234	246	200
Garrett	178	173	170	189	163	157	144	161
Washington	254	225	423	298	146	140	174	168
<u>Fifth Circuit</u>								
Anne Arundel	416	502	376	373	194	249	214	228
Carroll	291	243	283	273	207	203	213	192
Howard	475	356	406	366	268	245	242	254
<u>Sixth Circuit</u>								
Frederick	289	349	326	306	195	241	225	176
Montgomery	223	187	245	126	155	112	150	88
<u>Seventh Circuit</u>								
Calvert	283	284	302	360	219	209	207	231
Charles	411	331	278	282	197	187	189	182
Prince George's	335	346	375	348	235	220	209	209
St. Mary's	302	260	260	294	194	193	192	193
<u>Eighth Circuit</u>								
Baltimore City	344	314	333	555	235	217	227	278
Statewide	325	320	330	290	204	190	194	174

*This column provides a more accurate estimate of average case time by excluding older which may have failed to be reported statistically as closed.

TABLE 3 (cont'd.)
FILING TO DISPOSITION OF CASES TERMINATED
IN FISCAL 1992, 1993, 1994, AND 1995

	All Juvenile Cases				Excluding Cases Over 271 Days*			
	FY 92	FY 93	FY 94	FY 95	FY 92	FY 93	FY 94	FY 95
First Circuit								
Dorchester	75	47	55	65	53	47	55	59
Somerset	397	14	36	17	10	14	19	13
Wicomico	67	48	39	64	46	46	38	40
Worcester	53	44	45	41	41	42	45	39
Second Circuit								
Caroline	34	25	47	57	34	25	39	26
Cecil	104	96	191	119	66	73	72	73
Kent	60	53	75	56	60	53	75	56
Queen Anne's	52	55	62	57	52	55	57	52
Talbot	69	74	81	59	61	58	47	50
Third Circuit								
Baltimore	92	99	135	93	56	60	59	65
Harford	73	67	99	84	62	63	71	82
Fourth Circuit								
Allegany	81	84	83	91	72	74	67	76
Garrett	47	52	53	46	42	45	50	46
Washington	58	104	64	70	53	68	61	62
Fifth Circuit								
Anne Arundel	118	70	68	89	83	65	63	69
Carroll	57	126	148	93	53	61	53	74
Howard	89	105	88	99	67	65	66	69
Sixth Circuit								
Frederick	96	98	97	88	81	84	84	82
Montgomery	137	135	133	138	101	113	110	112
Seventh Circuit								
Calvert	96	101	87	105	65	75	82	81
Charles	98	81	86	83	78	74	82	80
Prince George's	110	141	169	169	87	82	77	80
St. Mary's	96	149	188	127	68	74	80	77
Eighth Circuit								
Baltimore City	168	111	122	19**	108	83	88	9**
Statewide	133	108	122	90	89	78	79	61

*This column provides a more accurate estimate of average case time by excluding older cases which may have failed to be reported statistically as closed.

**There appears to be a reporting problem in Baltimore City that has not been confirmed as of this printing.

TABLE 4

MARYLAND POPULATION CHANGE BETWEEN 1980 AND 1990 CENSUS
AND POPULATION PROJECTIONS THROUGH JULY 1, 1996

Circuit/Jurisdiction	Actual Population		Actual Annual Rate of Change %	Population Projections		Projected Annual Rate of Change
	April 1, 1980	April 1, 1990		July 1, 1990	July 1, 1996	
<u>First Circuit</u>	145,240	163,043	1.23	163,590	175,700	1.23
Dorchester	30,623	30,236	-0.13	30,260	29,900	-0.20
Somerset	19,188	23,440	2.22	23,530	25,400	1.32
Wicomico	64,540	74,339	1.52	74,610	81,600	1.56
Worcester	30,889	35,028	1.34	35,190	38,800	1.71
<u>Second Circuit</u>	151,380	180,726	1.94	181,390	198,800	1.60
Caroline	23,143	27,035	1.68	27,120	29,400	1.40
Cecil	60,430	71,347	1.81	71,590	79,200	1.77
Kent	16,695	17,842	0.69	17,840	18,800	0.90
Queen Anne's	25,508	33,953	3.31	34,170	38,300	2.01
Talbot	25,604	30,549	1.93	30,670	33,100	1.32
<u>Third Circuit</u>	801,545	874,266	0.91	876,050	927,200	0.97
Baltimore	655,615	692,134	0.56	693,030	715,400	0.54
Harford	145,930	182,132	2.48	183,020	211,800	2.62
<u>Fourth Circuit</u>	221,132	224,477	0.15	224,540	229,200	0.35
Allegany	80,548	74,946	-0.70	74,780	71,500	-0.73
Garrett	27,498	28,138	0.23	28,160	29,100	0.56
Washington	113,086	121,393	0.74	121,600	128,600	0.96
<u>Fifth Circuit</u>	585,703	737,939	2.60	741,770	830,100	1.98
Anne Arundel	370,775	427,239	1.52	428,640	459,000	1.18
Carroll	96,356	123,372	2.80	124,060	140,400	2.20
Howard	118,572	187,328	5.80	189,070	230,700	3.67
<u>Sixth Circuit</u>	693,845	907,235	3.08	912,640	1,026,000	2.07
Frederick	114,792	150,208	3.09	151,140	172,600	2.37
Montgomery	579,053	757,027	3.07	761,500	853,400	2.01
<u>Seventh Circuit</u>	832,355	957,768	1.51	960,870	1,053,400	1.60
Calvert	34,638	51,372	4.83	51,780	63,600	3.80
Charles	72,751	101,154	3.90	101,850	117,600	2.58
Prince George's	665,071	729,268	0.97	730,850	784,900	1.23
St. Mary's	59,895	75,974	2.69	76,390	87,300	2.38
<u>Eighth Circuit</u>	786,775	736,014	-0.65	734,750	715,600	-0.43
Baltimore City	786,775	736,014	-0.65	734,750	715,600	-0.43
Statewide	4,217,975	4,781,468	1.34	4,795,600	5,156,000	1.25

SOURCES: Bureau of the Census, and Maryland Population Report July 1, 1990, and Projections to 1996, Department of Health and Mental Hygiene, Center for Health Statistics.

Change in population from one year to the next is dependent upon two factors - natural increase and net migration. Natural increase is the excess of births over deaths. Net migration is the difference between the number of people moving into an area and the number moving out. For further information, see source documents above.

TABLE 5

COMPARATIVE WORKLOAD MEASURES PER CIRCUIT COURT JUDGE
(Fiscal Year 1995)

Jurisdiction (Number of Judges) ^a	(1) Filings Per Judge (Rank)	(2) Pending Cases Per Judge (Rank)	(3) Dispositions Per Judge (Rank)	(4) Population Per Judge ^b (Rank)	(5) Attorney/Judge ^c Ratio (Rank)
First Circuit					
Dorchester (1.5)	1,267 (23)	776 (19)	1,139 (22)	19,933 (22)	21 (23)
Somerset (1)	2,051 (4)	832 (17)	2,075 (2)	25,000 (21)	14 (24)
Wicomico (2.5)	1,570 (16)	853 (15)	1,530 (11)	32,160 (13)	55 (12)
Worcester (2)	1,602 (13)	800 (18)	1,478 (14)	19,150 (23)	47 (13)
Second Circuit					
Caroline (1)	1,541 (17)	845 (16)	1,404 (16)	29,000 (16)	26 (20)
Cecil (3)	1,573 (15)	986 (12)	1,364 (18)	26,000 (20)	26 (21)
Kent (1)	1,324 (22)	495 (24)	1,290 (20)	18,600 (24)	38 (15)
Queen Anne's (1)	1,357 (19)	524 (23)	1,356 (19)	37,500 (10)	64 (11)
Talbot (1)	1,810 (8)	699 (21)	1,702 (7)	32,600 (12)	112 (6)
Third Circuit					
Baltimore (15)	1,787 (9)	2,345 (3)	1,531 (10)	47,460 (3)	174 (4)
Harford (5)	1,460 (18)	1,467 (7)	1,386 (17)	41,400 (8)	68 (9)
Fourth Circuit					
Allegany (2)	1,340 (20)	1,106 (11)	1,264 (21)	36,050 (11)	41 (14)
Garrett (1)	1,152 (24)	604 (22)	1,005 (24)	29,000 (17)	23 (22)
Washington (4)	1,594 (14)	941 (13)	1,513 (12)	31,875 (14)	30 (18)
Fifth Circuit					
Anne Arundel (9)	2,673 (1)	3,059 (2)	2,418 (1)	50,422 (2)	143 (5)
Carroll (3)	2,048 (6)	1,681 (6)	1,951 (5)	45,900 (4)	83 (7)
Howard (5)	1,616 (12)	1,135 (10)	1,619 (9)	44,660 (5)	192 (2)
Sixth Circuit					
Frederick (4)	1,339 (21)	1,294 (9)	1,104 (23)	42,225 (7)	67 (10)
Montgomery ^d (16)	1,635 (11)	881 (14)	1,638 (8)	52,244 (1)	304 (1)
Seventh Circuit					
Calvert (2)	1,876 (7)	739 (20)	1,867 (6)	30,850 (15)	38 (16)
Charles (4)	1,696 (10)	1,397 (8)	1,488 (13)	28,700 (18)	29 (19)
Prince George's (20)	2,233 (3)	2,002 (4)	2,029 (3)	38,800 (9)	75 (8)
St. Mary's (2)	2,049 (5)	1,736 (5)	1,953 (4)	42,700 (6)	36 (17)
Eighth Circuit					
Baltimore City (26)	2,284 (2)	5,104 (1)	1,422 (15)	27,646 (19)	175 (3)
Statewide (132)	1,930	2,281	1,667	38,584	134

^aThe number of judges used in developing the rankings in this chart is based on the number authorized in Fiscal 1996 (132 statewide).

^bPopulation estimate for July 1, 1995, issued by the Maryland Center for Health Statistics.

^cAttorney statistics obtained from the Administrator of the Clients' Security Trust Fund as of October 13, 1995. Out-of-state attorneys are not included in these ratios.

^dExcludes juvenile cases in Montgomery County which is the jurisdiction of the District Court.

TABLE 6

COMPARED RANKING OF VARIOUS FACTORS AFFECTING JUDGESHIP ALLOCATION

	Ranking of Predictive Factors				Ranking of Performance Factors (Inverted Ranking Used ^a to Show Longest Times)		
	Filings	Population	Pending Cases	Attorneys	Time/ Civil	Time/ Criminal	Time/ Juvenile
First Circuit							
Dorchester	23	22	19	23	206 (7)	133 (12)	59 (15)
Somerset	4	21	17	24	116 (23)	83 (22)	13 (23)
Wicomico	16	13	15	12	212 (5)	105 (19)	40 (20)
Worcester	13	23	18	13	175 (17)	77 (24)	39 (21)
Second Circuit							
Caroline	17	16	16	20	188 (12)	140 (7)	26 (22)
Cecil	15	20	12	21	163 (20)	167 (2)	73 (10)
Kent	22	24	24	15	181 (14)	142 (6)	56 (16)
Queen Anne's	19	10	23	11	175 (18)	133 (13)	52 (17)
Talbot	8	12	21	6	159 (22)	133 (14)	50 (18)
Third Circuit							
Baltimore	9	3	3	4	179 (15)	82 (23)	65 (13)
Harford	18	8	7	9	194 (9)	145 (5)	82 (2)
Fourth Circuit							
Allegany	20	11	11	14	200 (8)	137 (9)	76 (8)
Garrett	24	17	22	22	161 (21)	121 (17)	46 (19)
Washington	14	14	13	18	168 (19)	129 (15)	62 (14)
Fifth Circuit							
Anne Arundel	1	2	2	5	228 (4)	135 (11)	69 (11)
Carroll	6	4	6	7	192 (11)	128 (16)	74 (9)
Howard	12	5	10	2	254 (2)	138 (8)	69 (12)
Sixth Circuit							
Frederick	21	7	9	10	176 (16)	172 (1)	82 (3)
Montgomery	11	1	14	1	88 (24)	93 (21)	112 (1)
Seventh Circuit							
Calvert	7	15	20	16	231 (3)	136 (10)	81 (4)
Charles	10	18	8	19	182 (13)	159 (3)	80 (5)
Prince George's	3	9	4	8	209 (6)	121 (18)	80 (6)
St. Mary's	5	6	5	17	193 (10)	158 (4)	77 (7)
Eighth Circuit							
Baltimore City	2	19	1	3	278 (1)	96 (20)	9 (24)

^aLower number indicates greater need for judgeship. For example, a number one ranking of a predictive factor would indicate a higher amount of volume, whereas, a number one ranking of a performance factor would indicate a slower ability to handle workload.

TABLE 7

COLLECTIVE RANKING OF JURISDICTIONS
BY BOTH PREDICTIVE AND PERFORMANCE FACTORS**
(FISCAL 1995)

Summary of Predictive Factors by Jurisdiction*		Summary of Performance Factors by Jurisdiction*	
1. Anne Arundel County	(3.5)	1. Harford County	(5.3)
2. Baltimore City	(7.5)	2. Calvert County	(5.7)
3. Prince George's County	(8.5)	3. Frederick County	(6.7)
4. Baltimore County	(10.0)	4. Charles County	(7.0)
5. Carroll County	(10.25)	5. St. Mary's County	(7.0)
6. St. Mary's County	(12.0)	6. Howard County	(7.3)
7. Montgomery County	(15.75)	7. Allegany County	(8.3)
8. Howard County	(15.75)	8. Anne Arundel County	(8.7)
9. Charles County	(20.75)	9. Prince George's County	(10.0)
10. Talbot County	(21.0)	10. Cecil County	(10.7)
11. Harford County	(21.25)	11. Dorchester County	(11.3)
12. Somerset County	(22.75)	12. Kent County	(12.0)
13. Calvert County	(23.0)	13. Carroll County	(12.0)
14. Frederick County	(24.5)	14. Caroline County	(13.7)
15. Washington County	(25.0)	15. Wicomico County	(14.7)
16. Wicomico County	(25.75)	16. Baltimore City	(15.0)
17. Allegany County	(26.75)	17. Montgomery County	(15.3)
18. Cecil County	(27.5)	18. Washington County	(16.0)
19. Worcester County	(27.75)	19. Queen Anne's County	(16.0)
20. Caroline County	(29.75)	20. Baltimore County	(17.0)
21. Queen Anne's County	(31.0)	21. Talbot County	(18.0)
22. Dorchester County	(38.0)	22. Garrett County	(19.0)
23. Kent County	(38.25)	23. Worcester County	(20.7)
24. Garrett County	(38.75)	24. Somerset County	(22.7)

*Collective ranking determine by assigning a weight of three to filing per judge, a weight of one to population per judge, a weight of two to pending cases per judge, and a weight of one to the ratio of attorneys to judges.

*Collective ranking determined by assigning a weight of one to the filing to disposition times for criminal, civil, and juvenile cases. Inverted ranking to show longest times.

**Lower number indicates greater need for judgeship; for example, a number one ranking of a predictive factor would indicate a higher amount of volume whereas a number one ranking of a performance factor would indicate a slower ability to handle workload. If a jurisdiction is listed near the top of both lists, then this shows that a relatively strong need exists for a judge based on the variables considered.

TABLE 8

PROJECTED NUMBER OF ESTIMATED NEED FOR ADDITIONAL JUDGES
IN THE CIRCUIT COURTS

	Projected Filings 1997 ^a	No. of Judges	No. of Masters and Other Judicial Officers ^b	Adjusted Number Judicial Officers	Average Projected No. of Filings Per Judicial Officer 1997	Judicial Officers by Standard ^c	Addtl. Judges Needed
<u>First Circuit^d</u>							
Dorchester	2,077	1.5	1	1.6	1,298	1.7	0.1
Somerset	2,250	1	0	1.0	2,250	1.8	0.8
Wicomico	4,147	2.5	0	2.5	1,659	3.4	0.9
Worcester	3,174	2	0	2.0	1,587	2.6	0.6
Circuit Total	11,648	7.0	0.1	7.1	1,641	9.5	2.4
<u>Second Circuit</u>							
Caroline	1,524	1	0	1.0	1,524	1.2	0.2
Cecil	3,848	3	0	3.0	1,283	3.2	0.2
Kent	1,526	1	0	1.0	1,526	1.2	0.2
Queen Anne's	1,472	1	0	1.0	1,472	1.2	0.2
Talbot	1,954	1	0	1.0	1,954	1.6	0.6
Circuit Total	10,324	7.0	0.0	7.0	1,475	8.4	1.4
<u>Third Circuit</u>							
Baltimore	27,423	15	2.4	17.4	1,576	18.2	0.8
Harford	7,516	5	0.4	5.4	1,392	6.2	0.8
Circuit Total	34,939	20.0	2.8	22.8	1,532	24.4	1.6
<u>Fourth Circuit</u>							
Allegany	3,262	2	0.4	2.4	1,359	2.7	0.3
Garrett	1,190	1	0.3	1.3	915	1.0	0.0
Washington	6,577	4	0	4.0	1,644	5.4	1.4
Circuit Total	11,029	7.0	0.7	7.7	1,432	9.1	1.7
<u>Fifth Circuit</u>							
Anne Arundel	18,249	9	3.0	12.0	1,521	12.1	0.1
Carroll	6,675	3	1.2	4.2	1,589	5.5	1.3
Howard	9,063	5	2.4	7.4	1,225	7.5	0.1
Circuit Total	33,987	17.0	6.6	23.6	1,440	25.1	1.5
<u>Sixth Circuit</u>							
Frederick	5,506	4	0	4.0	1,377	4.5	0.5
Montgomery	30,096	16	4.0	20.0	1,505	20.0	0.0
Circuit Total	35,602	20.0	4.0	24.0	1,483	24.5	0.5
<u>Seventh Circuit</u>							
Calvert	3,876	2	0.8	2.8	1,384	3.2	0.4
Charles	6,828	4	1.0	5.0	1,366	5.6	0.6
Prince George's	41,372	20	6.0	26.0	1,591	27.5	1.5
St. Mary's	4,558	2	1.0	3.0	1,519	3.8	0.8
Circuit Total	56,634	28.0	8.8	36.8	1,539	40.1	3.3
<u>Eighth Circuit</u>							
Baltimore City	57,484	26	13.0	39.0	1,474	38.4	0.0
Circuit Total	57,484	26	13.0	39.0	1,474	38.4	0.0

Table 8 footnotes

^aCircuit courts in both Harford and Montgomery Counties hear matters that would ordinarily be heard by the Orphans' Court. Accordingly, case filings were added to projections in each jurisdiction. Approximately 40 case filings were added to Harford County's projection and 267 case filings to Montgomery County's projection for Fiscal 1997.

^bPart-time juvenile masters in some jurisdictions are calculated as a percentage of a judicial officer because of the number of filings handled yearly by these individuals. Also included in the number of other judicial officers are retired judges who are recalled in some jurisdictions for settlement conferences in civil cases. Full-time and part-time domestic masters are included in this column but not masters who are compensated on a fee basis.

This column does not reflect the use of retired judges recalled to service because of unfilled judicial vacancies and illnesses of active judges to sit on the trial of cases for designated periods of time. In Fiscal 1994 a total of 704 judge days (including settlement conferences) were provided by retired circuit court judges.

Although efforts have been made to establish a weighted caseload statistical system, it has not been practicable to do so effectively. Obviously, in terms of time and complexity, some cases are many times more demanding than others. While each circuit court tends to have its share of these more difficult cases, some courts have experienced these cases in very substantial numbers; e.g., asbestos litigation which is handled primarily in Baltimore City for the entire state (approximately 8,500 pending cases, including a consolidated common issues case involving 2,000 plaintiffs). The trial of these cases takes in the extreme sometimes 8-12 weeks. The same rationale is applicable in death penalty cases.

Increases in the number of projected filings is due in large part to the influx of criminal cases transferred to the circuit courts from the District Court where the defendant is entitled to and demands a jury trial. Less than 2 percent of these cases (total filings of 23,707 in Fiscal 1994) actually results in jury trials; most are disposed of by plea negotiation between the prosecution and defense rather than by actual trial.

^cThe scale utilized for this column in Fiscal 1996 is as follows: 1200 filings - 1 to 8 judicial officers and 1500 filings - 9 or more judicial officers.

^dSection 1-503 of the Courts Article authorizes one (1) judge in Dorchester County and three (3) judges in Wicomico County; however, those two counties share one judge equally; thus, making the actual allocation of judges 1.5 in Dorchester County and 2.5 in Wicomico County.

BILL ORDER

(ib) AN ACT concerning

**Judgeships — District Court — Anne Arundel County
and Baltimore City**

for the purpose of increasing the number of judges authorized for the District Court in Anne Arundel County and Baltimore City; and providing for the effective date of this Act.

(rr) BY repealing and reenacting, with amendments,

Article — Courts and Judicial Proceedings

Section 1-603(b)(1) and (7)

Annotated Code of Maryland

(1995 Replacement Volume and 1995 Supplement)

-----Circle as appropriate-----

(aed) July 1 effective date

Article — Courts and Judicial Proceedings

1-603.

(b) In each of the districts provided for in § 1-602 of this subtitle, there shall be the following number of associate judges of the District Court:

(1) District 1 — [23] 24

(7) District 7 — [7] 8